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2075

# HANSARD'S PARLIAMENTARY DEBATES,

THIRD SERIES:

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

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39° VICTORIÆ, 1875.

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VOL. CCXXV.

COMPRISING THE PERIOD FROM

THE SIXTEENTH DAY OF JUNE 1875,

TO

THE TWENTY-THIRD DAY OF JULY 1875.

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*Fourth Volume of the Session.*

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LONDON:

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- Moved*, "That leave be given to bring in a Bill to relieve James Henry Deakin, of Warrington Park, in the county of Cornwall, esquire, from any penal consequences, disability, or disqualification which he may have incurred under 'The Corrupt Practices Prevention Act, 1854,'"—(*Mr. Staveley Hill*) .. .. 529
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- Offences against the Person Bill (No. 158)—**
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- Drainage and Improvement of Lands (Ireland) Provisional Orders Confirmation (Fourtowns, &c.) Bill [H.L.]—Presented (The Lord President); read 1<sup>a</sup>; and referred to the Examiners (No. 170) .. .. 547**

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- INLAND REVENUE—THE ASSESSED TAXES—Question, Mr. Monk; Answer, The Chancellor of the Exchequer .. .. 548
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- To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, humbly representing to Her Majesty that it would conduce to the advantage of the Crown and tend to promote universal satisfaction in Ireland if Her Majesty had a permanent residence in that country, and that this House, feeling deeply its importance, will cordially co-operate with Her Majesty in any steps She may be graciously pleased to take to carry out so desirable an object,"—(*Mr. Stacpoole*.)—instead thereof .. .. 553
- Question proposed, "That the words proposed to be left out stand part of the Question:"—After debate, Amendment, by leave, *withdrawn*,

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Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House is of opinion that the Imperial policy regulating the Opium traffic between India and China should be carefully considered by Her Majesty's Government with a view to the gradual withdrawal of the Government of India from the cultivation and manufacture of Opium,"—(*Mr. Mark Stewart*),—instead thereof .. .. .

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After debate, Question put, "That the words proposed to be left out stand part of the Question :"—The House *divided*; Ayes, 94, Noes 57; Majority 37.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

SUPPLY—*considered in Committee*—CIVIL SERVICE AND REVENUE DEPARTMENTS—VOTES ON ACCOUNT.

(In the Committee.)

(1.) £1,122,600, Further Vote "on account" of the following Civil Services, for the year ending 31st March 1876 [Then the several Services set forth.]—After short debate, Vote *agreed to* .. .. .

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(2.) £260,000, Further Vote "on account" of the following Revenue Departments, for the year ending 31st March 1876 :—

	£
Post Office Packet Service .. .. .	80,000
Post Office Telegraphs .. .. .	180,000
	<hr/>
	£260,000

CIVIL SERVICE ESTIMATES—CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS.

(3.) £25,201, to complete the sum for the Charity Commission (including Endowed Schools Department).

(4.) £15,083, to complete the sum for the Civil Service Commission.

(5.) £13,904, to complete the sum for the Copyhold, Inclosure, and Tithe Commission.

(6.) £6,500, to complete the sum for the Inclosure and Drainage Acts Imprest Expenses.

(7.) £34,125, to complete the sum for the Exchequer and Audit Department.—After short debate, Vote *agreed to* .. .. .

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(8.) £2,198, to complete the sum for the Registrars of Friendly Societies.—After short debate, Vote *agreed to* .. .. .

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(9.) £521,529, to complete the sum for the Local Government Board.—After short debate, Vote *agreed to* .. .. .

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(10.) £11,304, to complete the sum for the Lunacy Commission.

(11.) £40,550, to complete the sum for the Mint.—After short debate, Vote *agreed to* .. .. .

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(12.) £12,780, to complete the sum for the National Debt Office.

(13.) £16,650, to complete the sum for the Patent Office.

(14.) £17,161, to complete the sum for the Paymaster General's Office.

(15.) £17,270, to complete the sum for the Public Record Office.

(16.) £3,799, to complete the sum for the Public Works Loan Commission.

(17.) £33,901, to complete the sum for the General Registrar's Office in England.

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Infanticide Bill [Bill 43]—

Bill *considered in Committee* [*Progress 22nd June*] .. .. .

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National School Teachers (Ireland) Bill—Ordered (*Sir Michael Hicks-Beach*, Mr. Solicitor General for Ireland); presented, and read the first time [Bill 223] .. .. .

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LORDS, MONDAY, JUNE 28.

Endowed Schools Act (1868) Continuance Bill (No. 109)—

Moved, "That the Bill be now read 3<sup>d</sup>,"—(*The Lord President*) .. .. .

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<i>Moved</i> , "That the Bill be now read 2 <sup>a</sup> ,"—( <i>The Lord President</i> )	637
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Answer, Earl Cadogan .. .. .	646
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<b>AFFAIRS OF GREECE—Question, Mr. Butler-Johnstone; Answer, Mr. Bourke</b> .. .. .	648
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<b>MAGISTRACY (IRELAND)—MR. L. J. SHEA—MOTION FOR PAPERS—</b>	
<i>Moved</i> , "That there be laid before this House, Copies of the Evidence taken by Dr. Elrington, Q.C., at Tracton, in the county of Cork, in the year 1874, on the complaint of Mr. Luke Joseph Shea, then a magistrate for the county of Cork; of the Report of Dr. Elrington; and the decision of the Lords Justices thereon:	
"And, of the Memorials and Correspondence between Mr. Shea, Mr. John Hennessy, J.P., and Margaret Atkins with the then Lord Chancellor, Lord O'Hagan, and Lords Commissioners of the Great Seal in the years 1873, 1874, and 1875,"—( <i>Mr. Downing</i> ) .. .. .	705
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THE INDIAN CIVIL SERVICE—MOTION FOR A SELECT COMMITTEE—  
Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire and report upon the Memorial of members of Her Majesty's Civil Service in India to the Secretary of State for India in 1873, and on the Correspondence relating to such Memorial now laid before the House;"—(Mr. Lowe)—instead thereof .. 711

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Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES.  
(In the Committee.)

### CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS.

- (1.) £360,993, to complete the sum for Stationery and Printing.—After short debate, Vote agreed to .. 743
- (2.) £18,914, to complete the sum for the Woods, Forests, &c. Office.—After short debate, Vote agreed to .. 744
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## ARMY AND NAVY EXPENDITURE (AUDIT)—RESOLUTION—

Moved, "That, in the opinion of this House, in order to secure the due appropriation of the Army and Navy Expenditure to the purposes intended by Parliament, it is expedient that the system of independent audit which, since the passing of the Exchequer and Audit Departments Act, 1866, has been successfully applied to the Accounts of the annual Grants for the Miscellaneous Civil Services, should be extended in its leading principles, to the Grants for Military and Naval Services;"—(Mr. John Holms) .. 746

[House counted out.]

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### County Boards (Ireland) Bill [Bill 27]—

Moved, "That the Bill be now read a second time,"—(Mr. Butt) .. 746  
Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(Mr. Bruen.)

After debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided*; Ayes 125, Noes 182; Majority 57.

Words added:—Main Question, as amended, put, and agreed to:—Second Reading put off for three months.

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## Industrial Savings Banks Bill [Bill 185]—

- Moved*, "That the Bill be now read a second time,"—(*Sir Edward Watkin*) .. .. . 767
- Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Salt*.)
- After short debate, Question put, "That the word 'now' stand part of the Question :"—The House *divided*; Ayes 82, Noes 107; Majority 25.
- Words *added* :—Main Question, as amended, put, and *agreed to* :—Second Reading *put off* for three months.

## Artizans Dwellings (Scotland) Bill—

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Public Health (Scotland) Act, 1867, Amendment Bill—*Ordered* (*The Lord Advocate, Mr. Chancellor of the Exchequer, Mr. Secretary Cross*); *presented*, and read the first time [Bill 230] .. .. . 769

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(3.) Motion made, and Question proposed, “That a sum, not exceeding £233,410, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for Public Education in Scotland”	856
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(4.) Motion made, and Question proposed, “That a sum, not exceeding £4,997, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for the Salaries and Expenses of the Board of Education for Scotland”	859
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## LORDS, FRIDAY, JULY 2.

### NORWICH ELECTION—

The Lord Steward acquainted the House that Her Majesty had appointed *Tuesday* next, at Three o'clock, at Windsor Castle, to be attended with the Address of both Houses on the Norwich Election. A message sent to the Commons to inform them thereof, and that the Lords had appointed the Lord Chamberlain and the Lord Steward to attend Her Majesty therewith on the part of this House, and to desire the Commons to appoint a proportionate number of its members to go with them.

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(In the Committee.)

- (1.) Motion made, and Question proposed, "That a sum, not exceeding £18,000, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for Her Majesty's Foreign and other Secret Services" .. 920  
Amendment proposed, to add, at the end of the Question, the words "provided that no part of this sum shall be applied to the increase of Salaries."—(Mr. Dillwyn :)—Question proposed, "That those words be there added :"—After short debate, Amendment, by leave, *withdrawn*.  
Original Question put, and *agreed to*.  
(2.) Motion made, and Question proposed, "That a sum, not exceeding £4,852, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for the Salaries and Expenses of the Department of the Queen's and Lord Treasurer's Remembrancer in the Exchequer, Scotland, of certain Officers in Scotland, and other Charges formerly paid from the Hereditary Revenue" .. 921  
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(3.) £9,567, to complete the sum for the Fishery Board, Scotland.—After short debate, Vote *agreed to* .. 923  
(4.) £4,460, to complete the sum for the Lunacy Commission, Scotland. ..  
(5.) £5,045, to complete the sum for the General Registrar's Office, Scotland.  
(6.) £60,235, to complete the sum for the Board of Supervision and Public Health, Scotland.—After short debate, Vote *agreed to* .. 930  
(7.) £5,360, to complete the sum for the Household of the Lord Lieutenant of Ireland.—After short debate, Vote *agreed to* .. 932  
(8.) £20,165, to complete the sum for the offices of the Chief Secretary for Ireland.  
(9.) £265, to complete the sum for the Boundary Survey, Ireland.  
(10.) £1,621, to complete the sum for the Charitable Donations and Bequests Office, Ireland.—After short debate, Vote *agreed to* .. 934  
(11.) £82,355, to complete the sum for the Local Government Board, Ireland.  
(12.) £4,221, to complete the sum for the Public Record Office, Ireland.  
(13.) £14,331, to complete the sum for the Registrar General's Office, Ireland, &c.  
(14.) £16,600, to complete the sum for the General Survey and Valuation of Ireland.  
(15.) £25,692, to complete the sum for Pauper Lunatics.

Resolutions to be reported upon *Monday* next ; Committee to sit again upon *Monday* next.

## IRELAND — PEACE PRESERVATION ACT — CASE OF PATRICK CASEY — MOTION FOR PAPERS—

*Moved*, "That there be laid before this House, Copies of all Memorials addressed to the Lord Lieutenant or the Irish Government, praying for the release of the prisoner Patrick Casey, confined under the provisions of the Protection to Life and Property (Ireland) Act :

Of all special Medical Reports in the case :

Of all special Minutes made by the Lord Lieutenant relative to the prisoner :

And, of any application made by him for liberty to marry ; and of any answer thereto,"  
—(Mr. Mitchell Henry) .. 934

After short debate, Question put :—The House *divided* ; Ayes 28, Noes 85 ; Majority 57.

## NORWICH ELECTION—

Message from the Lords' .. 935

*Ordered*, That Four Members of this House do go with the Lords mentioned in the said Message, to wait upon Her Majesty with the said Address.

*Ordered*, That Mr. Disraeli, Mr. Secretary Cross, Mr. Secretary Hardy, and the Comptroller of the Household do go with The Lords mentioned in the said Message :—Message to their Lordships, to acquaint them therewith.

Elementary Education Acts Amendment Bill—*Ordered* (Mr. Rathbone, Mr. Birley, Mr. Arthur Mills, Mr. Muntz, Mr. Salt, Mr. Morley) ; *presented*, and read the first time [Bill 234] .. 935

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**SUPPLY**—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair: "—

### LEGAL DEPARTMENTS COMMISSION—RESOLUTION—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is desirable that, pending future legislation on the subject, no vacancy in a salaried office in any of the legal establishments should be filled up without the consent of the Treasury,"—(*Lord Frederick Cavendish*),—instead thereof .. .. . 1001

Question proposed, "That the words proposed to be left out stand part of the Question: "—After short debate, Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

### SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES—

#### CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS.

(In the Committee.)

- (1.) £20,961, to complete the sum for the Public Works Office, Ireland.—After short debate, Vote *agreed to* .. .. . 1010

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- (2.) £39,996, to complete the sum for Law Charges, England.
- (3.) Motion made, and Question proposed, "That a sum, not exceeding £135,079, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for Criminal Prosecutions at Assizes and Quarter Sessions in England, including Adjudications under the Criminal Justice Act and the Juvenile Offenders Acts, for Sheriffs' Expenses, Salaries to Clerks of Assize and other Officers, and for Compensation to Clerks of the Peace" .. .. . 1012
- Motion made, and Question proposed, "That a sum, not exceeding £131,205, be granted, &c.,"—(*Mr. Gorst*).—After short debate, Question put:—The Committee *divided*: Ayes 39, Noes 266; Majority 227.
- Original Question put, and *agreed to*.

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## SUPPLY—CIVIL SERVICE ESTIMATES—Committee—continued.

- (4.) Motion made, and Question proposed, "That a sum, not exceeding £129,879, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for such of the Salaries and Expenses of the Court of Chancery in England as are not charged on the Consolidated Fund" .. 1022  
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 (5.) £46,528, to complete the sum for the Common Law Courts.—After short debate, Vote agreed to .. 1023  
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 (9.) £9,242, to complete the sum for the Admiralty Court Registry.  
 (10.) £4,048, to complete the sum for the Land Registry Office.  
 (11.) £10,574, to complete the sum for the Police Courts, London and Sheerness.  
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## NORWICH ELECTION—

Her Majesty's Answer to Address reported .. .. 1030

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The House resumed its sitting at Nine of the clock.

## ARMY—CASE OF THOMAS DUFFY—CURRAGH CAMP—MOTION FOR A SELECT COMMITTEE—

*Moved*, "That a Select Committee be appointed to inquire into the circumstances of the dismissal of Thomas Duffy, late Brigade Sutler, Curragh Camp, county of Kildare,"—(*Mr. Meldon*) .. .. 1030

After short debate, Question put:—The House divided; Ayes 33, Noes 72; Majority 39.

## CENTRAL ASIA—MOTION FOR PAPERS—

*Moved*, "That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of any Papers relating to the occupation of the Khanate of Khiva by Russia,"—(*Mr. Baillie Cochrane*) .. .. 1034

After debate, Motion, by leave, *withdrawn*.

## Public Works [Consolidated Fund] Bill—Resolution [July 5] reported, and agreed to:

—Bill ordered (*Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith*); presented, and read the first time [Bill 243] .. .. 1058

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*Moved*, "That the Bill be now read a second time,"—(*Mr. Trevelyan*) .. 1061

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*Salt.*)

After long debate, Question put, "That the word 'now' stand part of  
the Question:"—The House *divided*; Ayes 166, Noes 268; Majo-  
rity 102.

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After short debate, Motion *agreed to*:—Bill read 2<sup>d</sup> accordingly, and *com-*  
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Police Expenses Bill [Bill 187]—	
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## LORDS, FRIDAY, JULY 9.

### IRISH PEERAGE—MOTION FOR A JOINT ADDRESS—

*Moved*, That in case the House of Commons concur therein, the following humble Address be presented to Her Majesty:

Most Gracious Sovereign,  
We, Your Majesty’s most dutiful and loyal subjects, the Lords Spiritual and Temporal,

in Parliament assembled, beg leave humbly to represent to Your Majesty that a Select Committee of the House of Lords appointed in the last session of Parliament to consider the state of the Representative Peerage of Scotland and Ireland and the laws relating thereto, reported to the House of Lords their unanimous opinion as follows: “They are convinced that every addition to the Irish Peerage only increases and perpetuates the anomalous condition of that body; they would therefore trust that Her Majesty may be advised to renounce Her undoubted prerogative of creating Irish Peers, with a view to the modification of the 4th Article of Union.”

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We, therefore, concurring in the conviction then expressed, humbly pray Your Majesty that Your Majesty will be pleased to consent to a Bill being introduced into Parliament for amending the Act of Union with Ireland by taking away the power therein conferred upon the Crown with respect to the creation of Irish Peers.—(*The Earl Stanhope*) .. .. . 1210

After debate, Motion (by leave of the House) *withdrawn*.

*Moved*, That an humble Address be presented to Her Majesty, praying Her Majesty that the power conferred on Her Majesty under the Act of Union for the creation of Irish Peers may not stand in the way of the consideration by Parliament of any measure relating thereto that may be introduced,—(*The Earl Stanhope*.)

## COMMONS, FRIDAY, JULY 9.

### *Commercial Gas Bill (by Order)—*

*Moved*, "That the Bill be now taken into Consideration,"—(*Mr. Samuda*) 1234  
After short debate, Question put, and *agreed to*:—Bill, as amended, *considered*.

Standing Orders 224 and 248 suspended.

Bill read the third time, and *passed*.

### *European Assurance Society Arbitration Bill (Lords) (by Order)—*

*Moved*, "That the Bill be now taken into Consideration" .. 1237

Amendment proposed, to leave out the words "now taken into Consideration," in order to add the word "re-committed,"—(*Mr. Charles Lewis*),—instead thereof.

Question proposed, "That the words 'now taken into Consideration' stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*:—Bill *considered*.

Standing Orders 224 and 248 suspended.

Bill read the third time, and *passed*, with Amendments.

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SUPPLY—Order for Committee read; Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

### CONSULAR CHAPLAINS—RESOLUTION—Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the withdrawal of Government Grants in aid of the maintenance of Consular Chaplains under the provisions of the Act 6 Geo. 4, c. 87, is uncalled for and inexpedient, and should be reconsidered by Her Majesty's Government,"—(*Mr. Heygate*),—instead thereof .. 1249

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(1.) Motion made, and Question proposed, "That a sum, not exceeding £51,305, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for Salaries and incidental Expenses connected with Criminal Proceedings in Scotland" .. .. .	1313
<i>Moved</i> , "That the Chairman do report Progress, and ask leave to sit again,"—(Mr. Dillwyn:—) Motion, by leave, <i>withdrawn</i> .	
Original Question put, and agreed to.	
(2.) £44,396, to complete the sum for Courts of Law and Justice, Scotland.	
(3.) £23,916, to complete the sum for the Register House Departments, Edinburgh.	
(4.) £18,471, to complete the sum for Prisons, and Judicial Statistics, Scotland.	
(5.) £32,851, to complete the sum for the Court of Chancery in Ireland.	
(6.) £20,740, to complete the sum for the Common Law Courts, Ireland.	
(7.) £7,085, to complete the sum for the Court of Bankruptcy in Ireland.	
(8.) £9,481, to complete the sum for the Landed Estates Court, Ireland.—After short debate, Vote agreed to .. .. .	1314
(9.) £8,773, to complete the sum for the Probate Court, Ireland.	
(10.) £1,255, to complete the sum for the Admiralty Court Registry, Ireland.	
(11.) £13,891, to complete the sum for the Registry of Deeds, Ireland.	
(12.) £2,403, to complete the sum for the Registry of Judgments, Ireland.	
(13.) £101,368, to complete the sum for the Dublin Metropolitan Police.	
Motion made, and Question proposed, "That a sum, not exceeding £745,037, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for the Constabulary Force in Ireland" .. .. .	1315
<i>Moved</i> , "That the Chairman do report Progress, and ask leave to sit again,"—(Mr. Meldon:—) After short debate, Motion, by leave, <i>withdrawn</i> .	
Original Motion, by leave, <i>withdrawn</i> .	
(14.) £30,800, to complete the sum for Government Prisons, &c., Ireland.	
(15.) £87,721, to complete the sum for County Prisons and Reformatories, Ireland.	
(16.) £4,081, to complete the sum for Dundrum Criminal Lunatic Asylum, Ireland.	
Resolutions to be reported upon <i>Monday</i> next; Committee to sit again upon <i>Monday</i> next.	
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After debate, Question, "That the word 'now' stand part of the Question," put, and agreed to.	
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<i>Moved</i> , "That the Bill be now read a second time,"—( <i>Mr. MacCarthy</i> ).	1459
<i>Moved</i> , "That the Bill be now withdrawn,"—( <i>Sir Joseph M. Kenne</i> );—After short debate, Motion agreed to;—Business adjourned till <i>To-morrow</i> .	

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SUPPLY—Order for Committee read ; Motion made, and Question proposed,  
“That Mr. Speaker do now leave the Chair :”—

VISIT OF H.R.H. THE PRINCE OF WALES TO INDIA—RESOLUTION—

Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “in the opinion of this House, it is inexpedient that any part of the expenses of the personal entertainment of His Royal Highness the Prince of Wales, on the occasion of his proposed visit to India, should be charged on the revenues of India,”  
—(Mr. Fawcett,)—instead thereof .. .. . 1487

After debate, Question put, “That the words proposed to be left out stand part of the Question :”—The House *divided* ; Ayes 379, Noes 67 ; Majority 312.

Main Question, “That Mr. Speaker do now leave the Chair,” put, and *agreed to*.

SUPPLY—considered in Committee.

(In the Committee.)

(1.) Motion made, and Question proposed, “That a sum, not exceeding £60,000, be granted to Her Majesty, in aid of the Expenses of His Royal Highness the Prince of Wales on the occasion of his Visit to India, which will come in course of payment during the year ending on the 31st day of March 1876” .. .. . 1509  
After debate, Question put:—The Committee *divided* ; Ayes 350, Noes 16 ; Majority 334.

(2.) Motion made, and Question proposed, “That a sum, not exceeding £42,850, be granted to Her Majesty, to defray the additional Expenditure under the several heads of the Annual Estimates of Her Majesty’s Navy, consequent on the Visit of His Royal Highness the Prince of Wales to India, which will come in course of payment during the year ending on the 31st day of March 1876” .. .. . 1526  
Question put:—The Committee *divided* ; Ayes 256, Noes 12 ; Majority 243.

CIVIL SERVICE ESTIMATES—CLASS III.—LAW AND JUSTICE—

(3.) Motion made, and Question proposed, “That a sum, not exceeding £58,653, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, of Criminal Prosecutions and other Law Charges in Ireland” .. .. . 1526  
Question put:—The Committee *divided* ; Ayes 216, Noes 18 ; Majority 198.

*Moved*, “That the Chairman do report Progress, and ask leave to sit again,”—(Captain Nolan :)—After short debate, Motion, by leave, *withdrawn*.

Motion made, and Question proposed, “That a sum, not exceeding £745,037, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for the Constabulary Force in Ireland” .. .. . 1530

After short debate, Resolutions to be reported *To-morrow*, at Two of the clock ; Committee also report Progress ; to sit again *To-morrow*.

REPRESENTATION OF THE PEOPLE—RESOLUTION—

*Moved*, “That it is the duty of Her Majesty’s Government to cause inquiry to be made into the various methods of bringing about a juster distribution of political power, with a view of securing a more complete Representation of the People,”—(Sir Charles W. Dilke) .. .. . 1533  
After debate, Question put:—The House *divided* ; Ayes 120, Noes 190 ; Majority 70.

Canada Copyright Bill (Lords) [Bill 246]—

*Moved*, “That the Bill be now read a second time,” — (Mr. J. Lowther) .. .. . 1554  
After short debate, Motion *agreed to* :—Bill read a second time, and committed for Monday next.

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<i>Moved</i> , "That the Bill be now read a second time,"—( <i>Mr. Cavendish Bentinck</i> ) ..	1555
<i>Moved</i> , "That the Debate be now adjourned,"—( <i>Mr. Eustace Smith</i> :)—	
Motion, by leave, <i>withdrawn</i> .	
Main Question put, and <i>agreed to</i> :—Bill read a second time, and <i>committed</i> to a Select Committee.	
And, on July 19, Committee <i>nominated</i> :—List of the Committee ..	1555
<b>PUBLIC RECORDS (IRELAND) ACT, 1867, AMENDMENT [EXPENSES]—</b>	
<i>Considered</i> in Committee:—Resolution <i>agreed to</i> ; to be reported <i>To-morrow</i> , at Two of the clock ..	1555

### LORDS, FRIDAY, JULY 16.

#### ARMY—THE FIRST-CLASS ARMY RESERVE—RESOLUTIONS—

- Moved*, "1. That it is inexpedient to continue the Cadre system until such time as the First Class Army Reserve has attained a considerably higher numerical strength.
2. That our military organization will not be complete until a method has been established for the annual training of the First Class Army Reserve.
3. That this House views with concern the recent changes about to come into force in the Regulations for maintaining the efficiency of the Militia force,"—(*The Earl of Galloway*) .. .. . 1556
- After debate, Motion (by leave of the House) *withdrawn*.

<b>CHINA — MURDER OF MR. MARGARY AT MANWINE — Question, Lord Campbell; Answer, The Earl of Derby ..</b>	<b>1573</b>
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<b>TRANSLATION OF IRISH MANUSCRIPTS—TREASURY MINUTE, 1857—Question, Mr. Sullivan; Answer, Sir Michael Hicks-Beach ..</b>	<b>1575</b>
<b>SUPERANNUATION OF POOR LAW OFFICERS, SCOTLAND—Question, Colonel Alexander; Answer, The Lord Advocate ..</b>	<b>1575</b>
<b>INDIA — MAJORS OF ARTILLERY IN INDIA—Question, Mr. W. Holms; Answer, Lord George Hamilton ..</b>	<b>1576</b>
<b>CRIMINAL LAW—THE SPALDING MAGISTRATES—CASE OF SARAH CHANDLER—Question, Major O'Gorman; Answer, Mr. Assheton Cross ..</b>	<b>1577</b>
<b>EDUCATION DEPARTMENT—PENSION MINUTE—SUPERANNUATION ALLOWANCES TO TEACHERS—Question, Mr. Whitwell; Answer, Viscount Sandon ..</b>	<b>1577</b>
<b>SUGAR DUTIES—INTERNATIONAL CONVENTION—Question, Mr. Wait; Answer, Mr. Bourke ..</b>	<b>1577</b>

#### **Conspiracy and Protection of Property Bill [Bill 204]—**

- Bill *considered* in Committee [*Progress 12th July*] .. .. . 1579
- After short time spent therein, Bill *reported*; as amended, to be considered upon *Tuesday* next, at Two of the clock, and to be *printed*. [Bill 260.]

#### **Employers and Workmen Bill [Bill 202]—**

- Bill, as amended, considered .. .. . 1589
- After short debate, Bill to be read the third time upon *Tuesday* next, at Two of the clock.

#### **SUPREME COURT OF JUDICATURE ACT (1873) AMENDMENT (SALARIES, &c.)—**

- Moved*, "That Mr. Speaker do now leave the Chair" .. .. . 1591
- After debate, Motion *agreed to*.
- Resolution *considered* in Committee.

(In the Committee.)

- Resolved*, That it is expedient to authorise the payment, out of the Consolidated Fund, of any charge for Salaries, Allowances, and Pensions which may arise in consequence

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## SUPREME COURT OF JUDICATURE ACT (1873) AMENDMENT (SALARIES, &c.)—*continued.*

of the repeal, by any Act of the present Session, of such part of section five of "The Supreme Court of Judicature Act, 1873," as limits to twelve the number of Puisne Justices and Junior Barons to be appointed Judges of Her Majesty's High Court of Justice.

Resolution to be reported upon *Monday* next.

## SUPPLY—REPORT—ACTIONS AGAINST MAGISTRATES—

Resolutions [July 15th] *reported* .. .. . 1605

First Two Resolutions *agreed to.*

(3.) "That a sum, not exceeding £58,653, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, of Criminal Prosecutions and other Law Charges in Ireland."

*Moved*, "That the third Resolution be now read a second time."

*Moved*, to reduce the Vote by the sum of £100,—(*Captain Nolan.*)

*Moved*, "That the Debate be now adjourned,"—(*Mr. Ronayne:*)—Motion *agreed to*:—Debate *adjourned* till *To-morrow.*

It being now Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

SUPPLY—Order for Committee read:—Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair:"—

SHANNON NAVIGATION ACT—Observations, The O'Connor Don:—Short debate thereon .. .. . 1607

## ARMY—MEDICAL OFFICERS OF THE ARMY—RESOLUTION—

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the position of the Medical Officers of the Army with respect to their honours, pay, and relative rank is not in a satisfactory state, and that a revision thereof is desirable,"—(*Dr. Lush,*)—instead thereof 1617

Question proposed, "That the words proposed to be left out stand part of the Question:"—After short debate, Amendment, by leave, *withdrawn.*

Question again proposed, "That Mr. Speaker do now leave the Chair:"—

ARMY—CAPTAIN J. BALAIR CHATTERTON—Motion for Inquiry, Sir Thomas Chambers .. .. . 1629

[House counted out.]

## LORDS, MONDAY, JULY 19.

### INDIAN IMMIGRATION—THE COOLIE TRAFFIC—MOTION FOR A PAPER—

*Moved*, That there be laid before the House, copy of the Law for the protection of Indian Immigrants,—(*The Lord Stanley of Alderley*) .. .. . 1630

After short debate, Motion (by leave of the House) *withdrawn.*

### INDIA—OUDH AND KIRWEE PRIZE MONEY—ADDRESS FOR RETURNS—

Address for "Copies of Military letter from the India Office to the Government of India, dated 17th July 1873, No. 140., with its enclosures, in extenso, referring to an order of the House of Lords, No. 52, dated 10th July 1873:

Copy of Military letter from the same to the same, dated 4th February 1875, No. 36., upon the same subject,"—(*The Earl of Longford*) .. .. . 1641

After short debate, Address *agreed to.*

EDUCATION ACT (1870)—CLAUSE 74—Question, Observations, Lord Stanley of Alderley; Reply, The Duke of Richmond .. .. . 1642

ARMY—HYDE PARK BARRACKS—Question, Observations, The Earl of Lucan; Reply, Earl Cadogan:—Short debate thereon .. .. . 1644

Copyright of Designs Bill [H.L.]—Presented (*The Lord Chancellor*); read 1<sup>st</sup> (No. 211) 1652

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INDIA—NEGOTIATIONS WITH BURMAH—Question, Sir George Campbell; Answer, Lord George Hamilton ..	1655
CHANNEL ISLANDS—THE JERSEY MILITIA—Question, General Sir George Balfour; Answer, Mr. Gathorne Hardy ..	1655
CRIMINAL LAW—THE SPALDING MAGISTRATES—CASE OF SARAH CHANDLER—Question, Mr. R. Power; Answer, Mr. Asaheton Cross ..	1656
THE IRISH LICENSING ACT—Question, Mr. R. Power; Answer, The Solicitor General for Ireland ..	1657
NAVY—ADMIRALTY DRAUGHTSMEN—Question, Mr. Puleston; Answer, Mr. Hunt ..	1657
THE ORDNANCE SURVEY—Question, Mr. Kirkman Hodgson; Answer, Lord Henry Lennox ..	1658
STATE AND PROGRESS OF PUBLIC BUSINESS—Question, Observations, The Marquess of Hartington; Reply, Mr. Disraeli ..	1658
<i>Moved</i> , "That this House do now adjourn,"—( <i>The Marquess of Hartington</i> :)—After short debate, Motion, by leave, <i>withdrawn</i> .	
<b>Agricultural Holdings (England) (re-committed) Bill (Lords)</b> [Bill 222]—	
Order for Committee read :— <i>Moved</i> , "That Mr. Speaker do now leave the Chair,"—( <i>Mr. Disraeli</i> ) ..	1668
Amendment proposed,	
To leave out from the word "That" to the end of the Question, in order to add the words "instead of attempting to deal with all classes of agricultural improvements by optional provisions as in the present Bill, it would be more satisfactory to the Country to defer dealing with permanent improvements, and to provide at present that compensation for temporary improvements be imperative in all cases,"—( <i>Mr. James Barclay</i> :)—instead thereof.	
After long debate, Question put, "That the words proposed to be left out stand part of the Question :"—The House <i>divided</i> ; Ayes 303; Noes 76: Majority 227.	
Main Question proposed, "That Mr. Speaker do now leave the Chair :"—After short debate, <i>Moved</i> , "That this House do now adjourn,"—( <i>Mr. Gourley</i> :)—After further short debate, Question put :—The House <i>divided</i> ; Ayes 96, Noes 255; Majority 159.	
Main Question again proposed :— <i>Moved</i> , "That the Debate be now adjourned,"—( <i>Mr. Morgan Lloyd</i> :)—After further short debate, Motion, by leave, <i>withdrawn</i> .	
Main Question, "That Mr. Speaker do now leave the Chair," put, and <i>agreed to</i> :—Bill <i>considered</i> in Committee.	
<i>Moved</i> , "That the Chairman do report Progress, and ask leave to sit again,"—( <i>Mr. Disraeli</i> :)—Motion <i>agreed to</i> .	
Committee report Progress; to sit again on <i>Thursday</i> .	
<b>Militia Laws Consolidation and Amendment (re-committed) Bill</b> [Bill 202]—	
Bill <i>considered</i> in Committee [ <i>Progress 12th July</i> ] ..	1724
After short time spent therein, Committee report Progress; to sit again upon <i>Thursday</i> .	

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#### **Police Constables (Scotland) Bill (No. 199)—**

*Moved*, "That the Bill be now read 2<sup>a</sup>,"—(*The Lord Steward*) .. 1726

Amendment *moved*, to leave out ("now,") and at the end of the Motion to add ("this day three months,")—(*The Lord Blantyre*.)

After short debate, on Question, That ("now") stand part of the Motion ?

*Resolved* in the *Affirmative*; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on *Thursday* next.

#### **Friendly Societies Bill (Nos. 208-215)—**

Amendments *reported* (according to Order) .. 1730

Amendments made; Bill to be read 3<sup>a</sup> on *Thursday* next; and to be printed, as amended. (No. 215.)

#### **METROPOLIS—RE-VALUATION—RATING BY WATER COMPANIES—Question, Observations, The Earl of Camperdown; Reply, The Duke of Richmond:—Short debate thereon**

.. 1731

### COMMONS, TUESDAY, JULY 20.

#### **EDUCATION DEPARTMENT—ELEMENTARY SCHOOLS—PAYMENT OF GRANTS—**

Question, Lord Francis Hervey; Answer, Viscount Sandon .. 1734

#### **EDUCATION DEPARTMENT—BRISTOL SCHOOL BOARD—Question, Mr. Wait;**

Answer, Viscount Sandon .. 1735

#### **COAL MINES REGULATION ACT—THE GORNEL WOOD ACCIDENT—Question,**

Mr. Sheridan; Answer, Mr. Assheton Cross .. 1735

#### **INDIA—THE INDIAN BUDGET—Question, Mr. Whitwell; Answer, Lord**

George Hamilton .. 1736

#### **Conspiracy and Protection of Property Bill [Bill 260]—**

Bill, as amended, *considered* .. 1737

After debate, Bill to be read the third time upon *Thursday*.

#### **Agricultural Holdings (England) (re-committed) Bill (Lords)**

[Bill 222]—

Bill *considered* in Committee .. 1751

After some time spent therein, it being now ten minutes to Seven of the clock, Committee report Progress; to sit again upon *Thursday*.

The House suspended its sitting at Seven of the clock.

The House resumed its Sitting at Nine of the clock.

#### **TAXATION—RESOLUTION—**

*Moved*, "That Local and Imperial Taxation, where their incidence is concurrent, should have a common basis of valuation and should be alike assessed upon the net rental or annual value of real property, and that Imperial Taxation, when levied upon industrial earnings, should be subject to such an abatement as may equitably adjust the burthen thrown upon intelligence and skill as compared with property,"—(*Mr. Hubbard*) .. 1764

[House counted out.]

### COMMONS, WEDNESDAY, JULY 21.

#### **PARLIAMENT—BUSINESS OF THE HOUSE—THE COUNT-OUT ON TUESDAY—**

Observations, Mr. Newdegate .. 1764

*Moved*, "That this House do now adjourn,"—(*Mr. Newdegate*.)

After short debate, Motion, by leave, *withdrawn*.

#### **Poor Removal Bill [Bill 59]—**

*Moved*, "That the Bill be now read a second time,"—(*Mr. M<sup>c</sup>Carthy Downing*) .. 1768

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months,"—(*Mr. Mark Stewart*.)



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*Poor Removal Bill*—continued.

After debate, Question put, "That the word 'now' stand part of the Question:"—The House *divided*; Ayes 65, Noes 231; Majority 166.

Words *added*:—Main Question, as amended, put, and *agreed to*:—Second Reading *put off* for three months.

**Expiring Laws Continuance Bill**—Ordered (*Mr. William Henry Smith, Mr. Secretary Cross*); *presented*, and read the first time [Bill 262] .. 1796

## LORDS, THURSDAY, JULY 22.

**Pharmacy Bill** (No. 209)—

*Moved*, "That the Bill be now read 2<sup>a</sup>,"—(*The Lord President*) .. 1797

After short debate, Motion *agreed to*:—Bill read 2<sup>a</sup> accordingly, and *committed* to a Committee of the Whole House *To-morrow*.

**Sale of Food and Drugs Bill** (Nos. 112, 155, 193)—

Bill read 3<sup>a</sup> (according to Order) with the Amendments .. 1799

Further Amendments made; Bill *passed*, and sent to the Commons.

ARMY—ROYAL LIMERICK MILITIA—CASE OF JOHN LEE—Question, The Earl of Limerick; Answer, The Duke of Richmond .. 1800

FRANCE—SUGAR TRADE—BOUNTY ON REFINED SUGAR—Question, Observations, Lord Hampton; Reply, The Earl of Derby .. 1801

## COMMONS, THURSDAY, JULY 22.

MERCHANT SHIPPING ACT—OVERLOADED SHIPS—Question, Mr. T. E. Smith; Answer, Sir Charles Adderley:—Short debate thereon .. 1808

THE SUNDAY ACT—THE BRIGHTON AQUARIUM, &c.—Question, Mr. P. A. Taylor; Answer, Mr. Assheton Cross .. 1809

INDIA—RAILWAY COMMUNICATION—THE EUPHRATES LINE—Question, Sir George Jenkinson; Answer, Mr. Disraeli .. 1809

INDIA—CAVALRY SERVICE IN INDIA—Question, General Shute; Answer, Mr. Gathorne Hardy .. 1810

TURKEY—CHRISTIAN CONVERTS—Question, Mr. Baxter; Answer, Mr. Bourke .. 1811

POST OFFICE TELEGRAPHS—THE LATE NEWCASTLE RACES—Question, Mr. Anderson; Answer, Lord John Manners .. 1812

IRELAND—RIOTS 'AT CALLAN—FATHER O'KEEFFE—Question, Mr. Holt; Answer, Sir Michael Hicks-Beach .. 1813

RIVERS POLLUTION—DESTRUCTION OF FISH IN THE RIBBLE—Question, Mr. Hermon; Answer, Mr. Selater-Booth .. 1814

EAST INDIA OFFICERS' COMPENSATION COMMITTEE—Question, Mr. Owen Lewis; Answer, Lord George Hamilton .. 1814

INDIA—THE GOVERNMENT OF INDIA AND THE KING OF BURMAH—Question, Mr. Richard; Answer, Lord George Hamilton .. 1815

COUNTY COURTS—IMPRISONMENT FOR DEBT—CASE OF WILLIAM SMALLBONE—Question, Mr. Charles Lewis; Answer, The Attorney General .. 1816

PUBLIC BUSINESS—PATENTS FOR INVENTIONS BILL—Question, Mr. Dillwyn; Answer, The Attorney General .. 1818

DOMINION OF CANADA—BOARD OR VOLUNTARY SCHOOLS—Question, Mr. Coope; Answer, Viscount Sandon .. 1818

PUBLIC BUSINESS—MONASTIC AND CONVENTUAL INSTITUTIONS BILL—Question, Captain Nolan; Answer, Mr. Newdegate .. 1819

MISCARRIAGE OF PAROCHIAL RECORDS—Question, Mr. Kavanagh; Answer, Sir Michael Hicks-Beach .. 1819

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PARLIAMENT—BREACH OF ORDER (MR. PLIMSOLL)—Observations, Mr. Plimsoll ..	1822
<i>Moved</i> , "That Mr. Plimsoll, the Member for Derby, for his disorderly conduct, be reprimanded, in his place, by Mr. Speaker,"—(Mr. Disraeli.)	
After short debate, <i>Moved</i> , "That the Debate be adjourned for a week,"—(Mr. Disraeli:)—Motion agreed to:—Debate adjourned till Thursday next.	
<b>Agricultural Holdings (England) (re-committed) Bill (Lords)—</b> [Bill 222]—	
Bill considered in Committee [ <i>Progress 20th July</i> ] ..	1829
<i>Moved</i> , "That the Chairman do report Progress, and ask leave to sit again,"—(The Marquess of Hartington.)	
After short debate, Motion, by leave, <i>withdrawn</i> .	
After some time spent therein, Committee report Progress; to sit again To-morrow, at Two of the clock.	
<b>Merchant Shipping Acts Amendment (re-committed) Bill—</b> [Bill 116]—	
Order for Committee [ <i>Progress 21st June</i> ] read ..	1857
<i>Moved</i> , "That the Order be discharged,"—(Mr. Disraeli.)	
After short debate, <i>Moved</i> , "That the Debate be now adjourned,"—(Captain Nolan.)	
After further short debate, Motion, by leave, <i>withdrawn</i> .	
After further short debate, Original Question put, and agreed to:—Bill <i>withdrawn</i> .	
<b>EAST INDIA, AUDITOR OF ACCOUNTS, &amp;C. [SUPERANNUATIONS]—</b>	
Considered in Committee ..	1867
<i>Moved</i> , "That it is expedient to authorise the payment, out of the Revenues of India, of a Superannuation or Pension to any person who has held the office of Auditor of Indian Accounts, and to certain Clerks and Officers on the Establishment of the Secretary of State for India."	
<i>Moved</i> , "That the Chairman do report Progress, and ask leave to sit again,"—(Mr. Fawcett:)—Question put:—The Committee divided;	
Ayes 32, Noes 51; Majority 19.	
Original Question again proposed.	
Committee report Progress; to sit again To-morrow, at Two of the clock.	
<b>LORDS, FRIDAY, JULY 23.</b>	
PARLIAMENT—BUSINESS OF THE SESSION—Question, Observations, Earl Granville; Reply, The Duke of Richmond ..	1868
<b>AGRICULTURAL CHILDREN ACT—ADDRESS FOR COPY OF CORRESPONDENCE—</b>	
<i>Moved</i> , "That an humble Address be presented to Her Majesty for, Copy of Correspondence between the Home Office and Justices of Quarter Sessions relative to the operation of the Agricultural Children Act; also for copies of Instructions issued to the Police of different counties with regard to enforcing the said Act,"—(Earl De La Warr) ..	1871
Address agreed to.	
<b>ARMY—COMPETITIVE EXAMINATIONS—</b> Question, Observations, The Earl of Harrowby; Reply, Earl Cadogan:—Short debate thereon ..	1872
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## FIRST COMMISSIONS IN THE ARMY—RESOLUTION—

*Moved* to resolve, That in the opinion of this House an inquiry ought to be instituted into the working and efficiency of the existing system under which candidates for first commissions in the Army are selected and appointed, with the view of ascertaining whether that system is calculated to insure the admission to the Army of those best qualified for the discharge of military duties,—(*The Lord Strathnairn*) .. 1877  
After debate, Motion (by leave of the House) *withdrawn*.

## NATAL—ADDRESS FOR CORRESPONDENCE—

*Moved*, “That an humble Address be presented to Her Majesty for, Papers relative to the recent change in the Constitution of Natal,”—(*The Lord Blackford*) .. 1891  
After short debate, Address *agreed to*.

## Entail Amendment (Scotland) Bill (No. 214)—

*Moved*, “That the Bill be now read 2<sup>a</sup>,”—(*The Lord Chancellor*) .. 1901  
After short debate, Motion *agreed to*:—Bill read 2<sup>a</sup> accordingly, and *committed* to a Committee of the Whole House on *Tuesday* next.

Department of Science and Art Bill [H.L.]—Presented (*The Lord Chancellor*); read 1<sup>a</sup> (No. 221) .. 1905

Foreign Jurisdiction Bill [H.L.]—Presented (*The Lord Chancellor*); read 1<sup>a</sup> (No. 224) .. 1905

## COMMONS, FRIDAY, JULY 23.

ARMY—ARTILLERY—HEAVY GUNS—Question, Captain Price; Answer, Lord Eustace Cecil .. 1905

ARMY—MILITARY PRISONERS—CASE OF GUNNER CHARLTON—Question, Sir Edward Watkin; Answer, Mr. Gathorne Hardy .. 1906

POOR LAW (METROPOLIS)—SHOREDITCH WORKHOUSE—Question, Mr. Puleston; Answer, Mr. Sclater-Booth .. 1906

ARMY—NORTH TIPPERARY MILITIA—Question, Mr. Stacpoole; Answer, Mr. Gathorne Hardy .. 1908

MEDICAL ACT, 1858—UNQUALIFIED MEDICAL PRACTITIONERS—Question, Mr. Owen Lewis; Answer, Mr. Assheton Cross .. 1908

THE IRISH FISHERIES DEPARTMENT—Question, Captain Nolan; Answer, Sir Michael Hicks-Beach .. 1909

ARMY—THE HYDE PARK MAGAZINE—Question, Mr. J. R. Yorke; Answer, Mr. Gathorne Hardy .. 1909

## Agricultural Holdings (England) (re-committed) Bill (Lords) [Bill 222]—

Bill *considered* in Committee [*Progress 22nd July*] .. 1910

After some time spent therein, and it being now ten minutes to Seven of the clock, Committee report *Progress*; to sit again upon *Monday* next.

The House suspended its sitting at Seven of the clock.

The House resumed its sitting at Nine of the clock.

SUPPLY—Order for Committee read; Motion made, and Question proposed, “That Mr. Speaker do now leave the Chair:”—

## METROPOLIS—THE THAMES EMBANKMENT AND THE NEW NATIONAL OPERA HOUSE—RESOLUTION—Amendment proposed,

To leave out from the word “That” to the end of the Question, in order to add the words “in allowing the building frontage on the Thames Embankment to be advanced to within thirty feet of the roadway, the Metropolitan Board of Works is acting in contravention of the policy intended to be affirmed by the Resolution of this House on the 8th day of July 1870, whereby the Embankment was secured as an open space for the use of the people,”—(*Colonel Beresford*),—instead thereof .. 1927

After debate, Question, “That the words proposed to be left out stand part of the Question,” put, and *agreed to*.

Main Question proposed, “That Mr. Speaker do now leave the Chair:”—

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ENCLOSURE OF LANDS—Observations, Mr. Gregory; Reply, Mr. Assheton	
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METROPOLITAN POLICE CELLS—Observations, Sir William Fraser; Reply,	
Sir Henry Selwin-Ibbetson .. .. .	1952
DOMINION OF CANADA—PRINCE EDWARD'S ISLAND—THE LAND PURCHASE	
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[House counted out.]	

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## LORDS.

### NEW PEER.

MONDAY, JUNE 21.

The Earl of Dalhousie, created Baron Ramsay of the United Kingdom.

### SAT FIRST.

FRIDAY, JULY 9.

The Earl Graham, after the Death of his Father.

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## COMMONS.

### NEW WRIT ISSUED.

WEDNESDAY, JULY 21.

For *Hartlepool*, v. Thomas Richardson, esquire, Chiltern Hundreds.

### NEW MEMBER SWORN.

THURSDAY, JUNE 17.

*Suffolk (Western Division)*—Colonel Maitland Wilson.



# HANSARD'S PARLIAMENTARY DEBATES,

IN THE

SECOND SESSION OF THE TWENTY-FIRST PARLIAMENT OF THE  
UNITED KINGDOM OF GREAT BRITAIN AND IRELAND,  
APPOINTED TO MEET 5 MARCH, 1874, AND THENCE CONTINUED  
TILL 5 FEBRUARY, 1875, IN THE THIRTY-EIGHTH YEAR OF  
THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FOURTH VOLUME OF THE SESSION.

HOUSE OF COMMONS,

*Wednesday, 16th June, 1875.*

MINUTES.]—PUBLIC BILLS—*Second Reading*—  
Permissive Prohibitory Liquor [19], *put off*;  
Boroughs and Populous Places (Scotland) Gas  
Supply (No. 2) \* [95].  
*Select Committee*—Public Works Loan Acts  
Amendment \* [53], Mr. O'Reilly *disch.*, Mr.  
Fawcett *added*.

PARLIAMENT—PUBLIC BUSINESS—  
THE COUNT-OUT.—QUESTIONS.

MR. WHALLEY said, he had a Question to ask which had reference to the Count-out of last evening—namely, Whether the Government are prepared to offer any explanation with respect to it. The First Lord of the Treasury, in asking for a Morning Sitting, said he would undertake, so far as the Government were concerned, to make and keep a House. He desired to ask the right hon. Gentleman who represented the Government at that moment, whether

they desire to offer any explanation of the repeated stoppage of business by Counts-out, especially that of last night?

SIR HENRY SELWIN-IBBETSON : In answer to the Question of the hon. Member I have to say that, so far as the Government were concerned on that occasion, they entirely carried out what they had promised to the House. They were in attendance, and I think the House will agree with me that, after the House was made, it rested entirely with the Members whether they felt sufficient interest in the proceedings to keep a House.

DR. KENEALY : As supplementary to that Question, and following the example of the hon. Member for North Warwickshire (Mr. Newdegate), I beg respectfully to ask you, Mr. Speaker, By what hon. Member your attention was called to the fact that there were not 40 Members present?

MR. SPEAKER : The hon. Member for North Warwickshire asked me a Question recently as to who was the Member who noticed that 40 Members

were not present. I stated to the hon. Member, in reply, that such a question was most unusual, and I expressly made use of that expression in the hope that such a Question would not be repeated. In saying that, I wish to state to the hon. Member for Stoke that I have no desire to make this answer in any spirit of discourtesy to that hon. Gentleman; but I think it important to prevent a practice which is new, and which might lead to great inconvenience. I have no doubt the hon. Member will be enabled to obtain the information from other sources.

#### DOMINION OF CANADA—EMIGRATION OF PAUPER CHILDREN.—QUESTION.

MR. E. JENKINS asked the President of the Local Government Board, Whether his attention has been called to a letter which had appeared in "*The Times*," of that day signed by Mr. Andrew Doyle, who was sent out as an Inspector to Canada to inquire into the condition of the children who had emigrated, in which the writer stated that—

"He was not in a position at present to do more than to express an earnest hope that no Board of Guardians in the Kingdom would give ear to any proposal to send out another emigrant child till he should have had an opportunity of examining what appeared to him to be the partial and most unsatisfactory Report of the Canadian Government."

The Report referred to was not that of the Canadian Government, but of a Select Committee of the Canadian House of Commons, and he wished to ask, whether this letter has been written with the sanction of the Local Government Board, and if not whether it is usual to issue and publish such notices without reference to the higher official authorities?

MR. SCLATER - BOOTH, in reply, said, that Mr. Doyle's letter was written and sent to *The Times* on the writer's own responsibility, and carried with it no authority on the part of the Local Government Board. As a general rule, he certainly disapproved of Inspectors writing to newspapers; but this had been a very peculiar case, and several letters on the same subject, more or less of a personal and controversial character, had already been published.

*Mr. Speaker*

#### PERMISSIVE PROHIBITORY LIQUOR BILL.

(*Sir Wilfrid Lawson, Sir Thomas Bazley, Mr. Downing, Mr. Richard, Dr. Cameron, Mr. Dalway, Mr. William Johnstone.*)

[BILL 19.] SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Wilfrid Lawson.*)

MR. WHEELHOUSE, in rising to move that the Bill be read a second time that day three months, said: Mr. Speaker, in discharging the duty of proposing the rejection of this Bill, I am extremely anxious to avoid saying anything that could in the slightest degree hurt the feelings of any person, and I should indeed be extremely sorry if there was any question except one of principle between the hon. Baronet the Member for Carlisle and myself in this matter. It may be true, as has been asserted, that those who oppose my hon. Friend have no originality whatever. Well, I, at least, never made any claim to be considered an original. I leave that wholly and entirely to my hon. Friend the Member for Carlisle himself. The reason why I make these observations is that, unless he has been grievously misreported, my hon. Friend said that so far as his opponents were concerned there was not the slightest degree of originality among them all. Well, I plead guilty to that charge so far as it regards myself; and with reference to those who agree with my course of action, I do not think it requires much originality when we find ourselves followed into the Division Lobby by nearly three-fifths of the House of Commons. This is a very ordinary matter indeed. It even seems to me that this Wednesday afternoon in the middle of June, and in the midst of the hot weather, is more to be spent in a summer afternoon's amusement than in anything else. If I did not perfectly well know that this is a foregone conclusion, I might really treat the views of my hon. Friend the Member for Carlisle, with regard to his originality, as something at which I might be either ashamed or frightened, but I know the hon. Baronet too well. I know that he could not frighten me if he would, and that he would not

frighten me if he could; and if he were to try it, I should be very much amused to see the result. So far as dealing with the question immediately before the House is concerned, I apprehend that the Permissive Bill tells its own tale and pleads its own cause infinitely more strongly than I can do; for it is self-condemned, and so far its condemnation is self-pronounced. I have not the least objection to my hon. Friend and his immensely long series of somewhat noisy followers abstaining from drink if they please, whether it is beer, spirits, or water. Let them by all means abstain. I would not ask them to take one glass of wine or one glass of beer; but I certainly would say to them—"If you please, as I do not interfere with you, do not you interfere with me. The rule which is good for you ought to be equally so for me. You like water; I like beer. You take your water, and stick to it by all means; but leave me, if I choose, in a position to stick to my beer." But I am told by some enthusiastic persons, look what a mass of Petitions has been presented to Parliament in favour of this Bill from all parts of England, from the north of Northumberland almost to the very south of the county of Cornwall. Well, and what then? We all know how Petitions are got up for express purposes, and sent here, not to tell the House what are the feelings of the country, but as pre-arranged by a large organization which is stated to have £100,000 at its disposal, a great part of which is said to be spent for the purpose of manufacturing Petitions. ["Oh, oh!"] I say, "manufacturing Petitions" advisedly; for let any person examine those Petitions and inquire as to the method by which the signatures were obtained. I venture to assert there is no hon. Member of this House who will not confess that they have been manufactured. Any person who chose to pay for it could get any number of signatures to any Petition; for those signatures cost nothing to those who append them, except indeed it be the outlay for pen and ink. But if it be asked, did the persons who signed act up to the doctrine preached; did they do themselves what they told somebody else to do? I would reply by simply saying—"Look to the Petition presented to-day from the Mayor and Master Cutler of the borough of Sheffield."

Now, I happen to know that, so far as the Master Cutler of Sheffield is concerned, every year he gives one of the most beautiful feasts that could be seen or accepted in the whole provinces of England. When I happily attended many times—and I hope to attend many more—I never saw a teetotal Master Cutler, and I never observed that there was not any wine on the table. When I am told—"Oh, we must set an example;" I reply—"Yes, by all means; but pray be good enough to practise what you preach, or, if you do not, then do not preach at all." Petitions, therefore, cannot be considered as a reflex of the real opinions and practices of those who sign them; and I mention this merely to show that very little stress can be rightly laid upon the number of Petitions presented. The Permissive Bill will not, and cannot, put an end to drunkenness, and it is absurd to legislate against drunkenness by Permissive Bills. To say because some people get drunk there should be no more intoxicating liquor sold is pretty much the same as though it were argued that because a murder had been committed with a knife you should put away knives altogether, and stop the cutlery trade entirely of Birmingham and Sheffield. We are told that this Permissive Bill is to deal with all our home and social questions in a way which I venture to think is neither desirable, useful, advantageous, just, nor fair to the community. We are told that if two-thirds of such number of the ratepayers of Sheffield or Leeds, as can be induced to trouble their heads about the matter in any way, attach their signatures to a prayer, merely saying, "Aye" or "No," then those two-thirds are to bind not only the remaining one-third or, indeed, the rest of the ratepayers, but all the inhabitants in the borough. That is a very neat proposition, which I fancy those who make it suppose will pass current, under the impression that ratepayers are inhabitants. Not a bit of it. The ratepayers are not all inhabitants. Why should two-thirds of the ratepayers be able to deprive the remaining third of their accustomed beverage; and not only so, but everyone else who resides within the borough? That is a monstrous proposition, and should be, I will not say thoroughly exposed, but, at all events, well understood by everybody who undertakes to advocate



this Bill and consents to go into the Lobby with the hon. Baronet the Member for Carlisle. The proposition would not be so objectionable if some provision were made to test the feeling of the whole of the inhabitants of a borough or district on the question, but there is no such provision. The whole matter is left in the hands of an alleged two-thirds of the ratepayers, and as we sometimes forget how much force may be brought to bear upon them, there need be no difficulty to get this so-called two-thirds of the ratepayers to declare in favour of the adoption of a permissive measure; but I consider it most unfair that they should have the power of dictating to the remaining one-third, and the whole of the non-rated inhabitants. But this is not by any means the worst feature of the Bill. By Clauses 8 and 9 you will find that, supposing there were any community so thoroughly unwise, unreasonable, and inconsequential as to endeavour by two-thirds of the ratepayers to make a prohibited district, they may keep that district in continual agitation, holding their meetings once a-year till they have attained their end, and when they have got the prohibition, they have the power to saddle the rest of the inhabitants with it for three years to come because of the objectionable nature of continuous agitation. Continuous agitation, no doubt, does a great amount of harm; but continuous agitation is, in this respect, much the same, whether carried on in favour of the Bill or against it—and you have only to look at the Petitions on the subject to judge of the kind of agitation that would be carried on if this Bill were to pass. Why, we have things rolled up here in the shape of Petitions so large as to remind me of those barrels of old which, crowned with a laureated image, were carried between two men at Roman feasts; and when I saw some of the Petitions that were brought to the Table to-day, I fancied they only wanted a little Bacchus at the top, with an Exeter Hall wand or bâton in his hand, to complete the picture. When I look at a Bill like the present, fraught with every possible bane that can affect humanity, brought in under the guise of a philanthropic notion, while those who support it leave themselves at perfect liberty to do as they please, at the same time that they seek to prohibit others from ob-

taining even moderate refreshment, it passes my comprehension to discover anything that can be said for it in reason or as a matter of common sense. Who made these people judges over me? What right have they to tell me whether, in accordance with the will of two-thirds of the ratepayers, or even by a majority of a single ratepayer, by 100,000, or by 1,000,000 ratepayers, that I am not to be at liberty to get a glass of beer if I see fit? Who made them governors over me or my personal conduct? They might just as well tell me that I should not buy a round hat, because the fashion of the day is to wear what is called a chimney pot. All these things are matters of social life and domestic arrangement, and if once you begin to interfere with what a man eats or drinks, you will lay down the principle of the right to interfere in all other social and private habits of life. Why any man is to tyrannize over my mind I do not understand, or why he should tell me it is wrong to do this or that I am at a loss to comprehend; but I do understand that the advocacy of those principles is invariably to be found in the mouths of those gentlemen who, on all other occasions, are pleading for the freedom of idea and liberty of conscience; but when it comes home to those gentlemen themselves there is no freedom of idea or liberty of conscience. They are the men who propose to give two-thirds of the ratepayers power to make the rest of their neighbourhood as uncomfortable as possible, and that without the slightest ground for supposing that any advantage whatever would be gained. If to-morrow you were to put the cordon of this Bill round any particular district, you would not stop the sale of liquor in the immediate outside circle. You would do no good by stopping that sale in a small place while you left the outside district free, for you may depend upon it there are districts that never can be brought within the action and operation of this Bill, and by putting this cordon round, you will do no more than send those who want to get drink into the non-prohibited district outside. These are matters which seem to be wholly unprovided for and unthought of by those who arranged the clauses of this Bill. We have heard much of some reserved localities. I do not know whether these are in Cumberland, but there is said to

be one in Yorkshire where drink is not sold. There may not be public-houses within the limit of that district itself, but from intimate personal knowledge of the place I know there are a great many public-houses on the very edge of and all around it. But that is not the only matter. Do you think that when there is a prohibited district a man wishing to get something stronger than water to drink will have any difficulty? Are there no such places as chemists' shops or grocery establishments where the Wine Licensing Act has been brought into operation? Are there no places, whether licensed or not, where the want, or—if you so please to call it—the weakness, will be supplied? If you look England over, from Kent to Westmoreland—if you look even into Scotland—you will find that wherever there is a demand so there will be a supply. Like everything else, this is a question of supply and demand only. You may form what legislation you please; but if it is a question of what they shall eat or what they shall drink, men will not care for penal laws, but will set them at defiance. They will have what they want; and the worst thing you can do is to make that illicit and secret which is now open and above-board, and subject to regulations which are just and good. Commit no mistake in the matter. Is it right that that which is an open affair now should be so managed as to be put aside for secrecy? Mind, whatever you propose, drunkenness will go on, you may depend upon it, as before. It was said by an hon. Member of the House when he went into Maine, where it was thought that the Permissive Liquor Law is in full force, he found from end to end of the State people ready, able, and willing to set the law at defiance by selling liquor whenever and wherever it was asked for. I think it was the hon. Member for Derby told us that there were something like 2,000 arrests in one year for drunkenness in that State, and something like 1,200 or 1,500 other people—I presume above the class usually frequenting public-houses—who were sent to their homes in a state of intoxication without being arrested at all. Where was the drink obtained? We are told that the Maine Liquor Law has been a blessing to the State; but I think that the fewer blessings of that sort which the State obtains the better it will be for the State itself.

What is to be said for such a case where the people, though they did not drink openly and under regulation, drank secretly, and got so drunk as to be arrested for that offence at the rate of 2,000 a-year? That is what the Maine Liquor Law does in the country where it has the largest, the strongest—I do not like to say the fairest—trial, for no such trial can be justifiable. It is not the public-houses or the sale of intoxicating liquor which makes men drunk, but the capacity for getting drunk on the part of the men themselves, and all the legislation in creation will not stop a man from getting drunk if he chooses to do so. If it be said that nobody should have the opportunity of getting drunk, I beg to ask, how is it to be prevented? Parliament cannot prevent it if it would, and it would be wrong to do it if it could. The matter should be left to be governed by the reasonable habits and enjoyments of the people. I will say—"Do not legislate for one or for nine-tenths of the community as though they are drunkards. If you wish to legislate for drunkenness alone, do so by all means, but deal with them as you would with other criminals; if you catch them, and they have done wrong, punish them." Every man who is able to govern himself, and who is temperate enough to know when he has had as much beer or wine as is good for him, should be allowed to have that wine or beer. Are there in this House or out of it, except my hon. Friend the Member for Carlisle, half-a-dozen men who, whatever they might do in the way of signing Petitions, would hesitate here or elsewhere to take that glass of wine which is necessary and good for them? They may talk as much as they like and vote in any Lobby they please, but I want to know what they do in the Refreshment Room at the end of this building. How many of them sit down to a solid luncheon without also taking something liquid, which is not water? These are practical views and practical tests, and when I find nothing but glass tumblers and water bottles ranged on the tables of our House of Commons Refreshment Room, I will believe in the practice, though I do not believe in its utility or good. Am I to be prohibited the liberty of going into a club between this and St. James's Street and having a glass of wine? Why should I be asked to legislate so as to leave me at perfect



liberty to go into the Refreshment Room here, or any refreshment room between here and St. James's Street, while I tell the inhabitants of St. Martin's Lane that they shall not get that which I am able to get at my club. The public-house is the poor man's cellar. Do you think for a moment that the poor man can give an order to a brewer or wine merchant to stock his cellar? He more often lives in a cellar than is able to stock it with wine, and I object to that man being prohibited from getting his glass of beer when I am to be at liberty to get what I like, when I like, at my club. The principle of your legislation should be that it is right and just to deal with every class of man as if he were a freeman, with all his senses about him, and as well able to judge of his requirements as any of us; and I never will consent under any state of circumstances to deprive the labouring man of the very few bodily comforts he has, until the Legislature deprives me also. Do not tell me that because I do not enter a public-house I cannot get what I want anywhere else. But the public-house is the working man's club. It is there that he goes for his social requirements. I know it is said that we may have public-houses without drink; but I am not to be compelled to go for refreshments to a place where nothing but water is sold, because such places are considered useful for those who are unable to control their own wants or their own vices. Let those who desire it go to temperance houses, which I only wish were always as temperate in their management as their name would imply. But, again I say, whatever you do with regard to your own ideas and your own wants, leave me to follow the bent of my own inclination. The Preamble of this Bill says—

"Whereas the common sale of intoxicating liquors is a fruitful source of crime, immorality, pauperism, disease, insanity, and premature death, whereby not only the individuals who give way to drinking habits are plunged into misery, but grievous wrong is done to the persons and property of Her Majesty's subjects at large, and public rates and taxes are greatly augmented"—

getting from the philosophical to the practical at a jump—

"and whereas it is expedient to confer upon cities, boroughs, parishes, and townships power to prohibit the common sale aforesaid, be it enacted," &c.

I contend that it is not the common sale,

but the actual and immoderate use of intoxicants that produces immorality. If the hon. Member for Carlisle intends by this Bill to make a raid upon public-houses, brewers, and distillers, he should say so in the Bill. It will have that effect in certain little boroughs where the majority of the people do not want to have them; but if in a large borough—as, for instance, the borough I represent—two-thirds of the ratepayers could by any accident be supposed some fine morning to have determined in favour of the Permissive Bill, I should like to know what the rest of the inhabitants would say? I fancy that it would not be very palatable to them, and that it would not do. Leeds would not have it. Certainly not; and if the prohibition were in some way obtained, they would take the earliest opportunity to remove it. The Bill, it is said, is not intended for us highly-respectable people, against whom there is no allegation leading to the inference that we would do wrong, but for a different class of people altogether. It is for a class who cannot govern themselves, and it is promoted also in the interest of those who live in the neighbourhood of that class. We are told that we must legislate so as to provide against every possible chance of leading our neighbour into temptation. So say I, where the temptation is a positive breach of the law, so far as the individual is concerned; but if we are to begin legislating against leading men into temptation by the example of other men's conduct, you would have a great deal more to do than this House could manage in any number of centuries. We are told that in one particular district there is no drink-shop at all, that there is no brewery, and that a distillery is altogether out of the question. Another hon. Member of this House has made some inquiry with regard to that blessed locality. I have done so myself—and I know very much of the district—but the results I obtained with my preconceived bias on the subject would not, perhaps, be received with much weight. But the hon. and learned Member for Barnstaple has made an investigation—in the first instance, by a visit to the spot, and afterwards by endeavouring to arrive at the truth from an independent source—and he found that in the very heart of the district he had not the slightest difficulty in getting anything he wanted to drink. Theorising might

*Mr. Nealhouse*

be all very well, but that was the practical view of the subject. I hold in my hand a little tract published by Mr. Wilson Turnbull, of Norwich, which puts under nine heads all the objections to the Permissive Bill, which seem to dispose of all argument on the matter: these objections being, that it is in conflict with the fundamental canons of English jurisprudence; that it is utterly indefensible in principle; that it could not be enforced, and cannot be worked favourably under any state of circumstances in England or elsewhere; that it would not operate uniformly on all the several classes of society; that it would be productive of greater evil than it removed; that all legislation was illogical which forbade the sale of liquors but permitted the manufacture; that all legislation was illogical which suppressed public drinking and did not at the same time suppress private drinking; that in directing their efforts against the sale of liquor and not against its use, the supporters of the Permissive Bill had not the courage of their opinions; and that public-houses could be permanently removed only by removing the demand for them, since they are not at all the cause of drinking habits, but the consequences of them. Surely it ought to be an answer to any attempt at legislation of this kind that, however much we may desire to prohibit the manufacture in this country or the importation of beer, wine, or spirits, you cannot do so. The importation is actually arranged for by the Excise laws; but until you stop it you can do nothing in the matter except that which will be unjust and unfair to certain classes. No doubt my hon. Friend would desire to prevent the importation of a single drop of wine, but he will find England too strong for him. If this Bill were carried out to-morrow, not only would there be illicit and illegal drinking, but in some place, where land is tolerably cheap, you would have enormous distilleries, enormous breweries, and enormous stores of malt and hops, forming a sort of citadel which would be strong enough to repel all the assaults of teetotalism. But even supposing you could prevent that, does my hon. Friend suppose that the want would not be supplied from abroad? Burton-on-Trent, it is said, sends out beer to India and elsewhere in very large quantities; and if you interfere with the large brewers and

distillers, what is to prevent any man from building a brewery or a distillery just out of the limits of the country and sending us as much as we want? If there were a cordon of police and revenue cutters all round the shores of Great Britain, men would get what they thought they needed for eating or drinking in spite of all the prohibitory laws in creation. Where drink is prohibited, I do not know whether they do not import opium; but that is one result that we might anticipate. Men would get drink on the sly if they could not get it openly, and that which is now done under the control of public opinion and legislative enactment would have to be suppressed, if it were suppressed, by a strong hand such as would create, if not a rebellion, at least a revolution in England. This is no new thing. It was tried a long time ago, in the 9th George II., by which Act the Legislature endeavoured to prohibit spirit drinking in England; but that Act, which was passed in 1741, caused such an outcry throughout the length and breadth of the land as an attempt at class legislation, that in two years Parliament was compelled reluctantly to give it up. Something of the same kind was tried not long ago with regard to England by a proposal similar to the Forbes Mackenzie Act in Scotland, but the people would not have it. This Permissive Bill is neither a rational nor a national mode of dealing with a question of this kind. It is, after all, a working man's question. Why should a labouring man working at the docks be compelled, because he happened to be in a prohibited district, to go a mile and a-half to get a glass of beer? Is there any sense or reason in such a proposition? Let hon. Gentlemen who are opposed to drinking do all they can to carry out their views in any way short of actual coercion. This Bill is an attempt at coercion. I am not to be influenced by the large number of Petitions presented in favour of this Bill, for I know how easy it is to obtain signatures. I am perfectly unimpressible—if you like, perfectly irrepressible—in matters of this kind; but I certainly will protest against any attempt at legislation by which the poor man's right is invaded, or where Bills are sought to be introduced into Parliament for the purpose of legislating for one class of men at the expense of another. Put us all



on the same footing. Leave us to decide as to our own wants, or, if you please, our own weaknesses; and if there is a necessity for such a measure as this, let it not be the work of amateur legislation, but let it be introduced upon the responsibility of the Government. We shall know exactly how to deal with any Treasury Bench that sets itself to work upon an operation of this kind. Under the circumstances in which I am placed my duty on this occasion is a very easy one. It is one about which there will be no mistake when we come to a division, and it now only remains for me to move that instead of this Bill being read a second time to-day, it be read a second time this day three months.

Mr. GOLDSMID, in seconding the Amendment, said, he wished to remind the House that last Session he pointed out that the practice of the hon. Baronet was not entirely in accordance with his teaching in this matter, and the hon. Baronet objected to such a reference to what he ate and drank. His (Mr. Goldsmid's) only object, however, had been to show that if a man made his private life accord with his public utterances, he would have more weight with the people of this country than if he did not do so. If report spoke truly, upon that point, at least, the hon. Baronet had reformed his ways; because it was rumoured that at a banquet held in honour of the "thorough good beating" the Bill received last year, no drink stronger than ginger beer was allowed to the guests on that occasion. He begged to congratulate the hon. Baronet on having had in this respect "the courage of his opinion." The hon. Baronet had on more than one occasion said that this Bill was the only true remedy against drunkenness; but he (Mr. Goldsmid) believed that to be a great mistake. It had been said that all who supported the Bill were in favour of the public, and that all who opposed it were in favour of the publicans. Now, that might be very good in theory, but it was not true as a matter of fact, because very many opponents of this Bill had no connection whatever with the publicans, their wish being not to interfere with the reasonable liberties of the subject. The hon. Baronet argued that drunkenness was increasing; but that was not supported by figures, which showed that in proportion to the increase in the population drunkenness was on the decrease. Last year he (Mr. Gold-

smid) quoted some statistics showing that repressive legislation failed of its object, and this year he would refer to the opinion of Mr. Murray, British Consul in the State of Maine, United States, in reference to the Maine Liquor Law. That gentleman said—

"A long residence of nearly 14 years in this State has given me unusual opportunities for studying this question, and I have no hesitation in re-affirming that, with the exception of some isolated villages, the Maine Prohibition Law has been a failure in the large towns and cities."

Any good it might have effected was more than counterbalanced, he thought, by

"The hypocrisy and demoralization of a very large class, who, though nominally political abolitionists, are not consistent in their own conduct;"

and he illustrated his observation by taking the cases of committal to prison for offences from the 1st of March to the 31st of December. In that time in the town of Portland, with a population not exceeding 30,000, there were 2,628 arrests for all crimes, and of that number 2,200 were for drunkenness. Thus it was shown that in the city where the Maine Liquor Law prevailed, the great bulk of the offenders were committed for drunkenness. Still the hon. Baronet said that legislation of that kind would produce sobriety in the country. He (Mr. Goldsmid) denied that. Not many years ago it was a common thing to see a gentleman drunk in a private house; but public opinion and education had induced them now to consider that it was not a proper thing to take too much drink; and he believed that feeling was now prevalent, not only among the classes to which he referred, but also among the working classes of the country. He had seen a great deal of the working classes, and he believed that drunkenness among the educated working men was not now more prevalent than it was among the educated gentlemen, and that in proportion as education extended downwards it would disappear without the necessity of any such legislation as now proposed. One of his strong objections to the Bill of the hon. Baronet was its so-called "permissive" character. It was in reality eminently tyrannical. Take the 8th and 9th clauses, for instance—the supporters of this Bill might renew the agitation year by year; but if once successful, its opponents were not allowed to obtain its repeal until after the expiration of three years. Again, the power of shutting up public-houses was to be vested in a two-thirds

majority of the ratepayers. Well, assuming that the ratepayers formed one-fifth of the population—and that was a liberal estimate—something like two-fifteenths of the inhabitants of a district, many of whom, perhaps, had cellars of their own, would have in their hands the power of preventing the other thirteen-fifteenths from purchasing any liquor. Surely, that was not a proposition which the House could seriously entertain. It seemed to him very wrong for the House of Commons to remit a question to be discussed and fought over in every parish in England which they had not the courage to decide themselves. If it was right to prohibit the sale of strong drink, let the House of Commons prohibit it; but do not let them adopt this cowardly mode of action. It was supposed the Bill would have a beneficial effect by removing temptation to drunkenness. To the great mass of the people, however, drink offered no temptation; and that even for those to whom it was, it was not desirable or wise to adopt this course, but rather moral means of persuasion. The best way of reforming drunkards was to bring home to them the necessity of restraining their appetites, and following the example set them by the hon. Baronet and his friends. The numbers in the division of last year on the hon. Baronet's Bill were very significant—namely, 75 Members voted for the Bill, and 301 against it; in other words, the hon. Baronet was beaten by 4 to 1. He (Mr. Goldsmid) wanted to know, under those circumstances, how it came that the hon. Baronet boasted that he had a satisfactory division on that occasion, and that of all the political parties of the last Parliament who came to grief at the last General Election, he alone had survived? Well, it appeared that he had survived by obtaining one more supporter than he formerly had, and that was the hon. Member for Pembroke (Mr. E. J. Reed). Now, that was a fact on which he could hardly fairly congratulate himself, as that hon. Member had expressly stated that he was opposed to nearly all the principles contained in the Bill, and only supported the second reading because he thought that nearly all the clauses would be altered in Committee. He therefore did not think the hon. Baronet had much to boast of in having succeeded in obtaining this additional supporter. The fact was, that notwith-

standing the years of agitation and the expenditure of large sums of money and labour, the hon. Baronet was still in that minority, had only been able to obtain one additional supporter to his Parliamentary crotchet; and if he went on in the future at the same rate he would have to live to the age of Methuselah, or longer, before he succeeded in gaining his objects. If it passed, in the present state of public opinion the Bill would be a perfect nullity, or if it were acted upon at all, the people of England would resist its enforcement. He was sure the House of Commons did not wish to legislate for the purpose of creating disturbance on the one hand, nor of adding to the enormous preponderance of votes at General Elections against the feelings of the majority for Representatives of the People. The hon. Baronet put an enormous number of names of Members of Parliament on the back of the Bill; but he (Mr. Goldsmid) wished to know whether every hon. Member who endorsed the Bill had read it? He thought that if they had done so, and had any experience of what Acts of Parliament ought to be, they would have regarded the measure as very crude. He thought the Bill, if enacted, would lead to very lawless results. He thought the hon. Baronet had endeavoured to instil into the measure a principle repugnant to the feelings of the people—a principle which would certainly stir up strife in every locality where the Act would come into operation. He thought there was evidently a lack of courage on the part of the hon. Baronet, and his supporters in not acting up to what their principles demanded, for if he and they wished to object to the sale of intoxicating liquor, the fairest course for him to adopt was to bring in a Bill for the purpose. He (Mr. Goldsmid) was a diligent reader, and had seen a speech of the hon. Baronet in which he boasted that he had the Pope and a Cardinal on his side, and he added that the vice of drunkenness could not be eradicated until we stopped the sale of intoxicating liquors. To be consistent, then, he should bring in a Bill for that purpose. The hon. Baronet, on another occasion, said he did not much care about what had occurred in America in reference to the liquor traffic, and when invited to America, he shirked the invitation; but, whether he made that journey or



not, he (Mr. Goldsmid) might safely say that if it were not for the popularity which he had won by the gay gravity and humorous folly with which he had diverted his hearers, the House of Commons would long since have shrunk from him and been sick of the Bill. No one without those agreeable qualities would be tolerated in taking up, in the latter period of the Session, the valuable time of the House, when important measures were awaiting discussion. It was therefore to be regretted that the plans of refusing to allow measures to be introduced was not now so generally acted upon as it used to be, for if the present measure had been rejected in that way, some valuable time would be saved. The whole of the agitation on behalf of the Bill had been got up by paid agents all over the country, and Petitions were manufactured for the purpose of making an impression that the public were favourable to the movement. One of those Petitions insinuated that those who were favourable to the Permissive Bill were entitled to a monopoly of legislation, as they acted for the highest ends. Before sitting down, he would ask the hon. Baronet whether he thought he was doing what was best for the country in occupying the valuable time of the House in the discussion of this question when much practical legislation was awaiting the consideration of the House? Would it not be better to allow the practical business which had a probability in its favour, and which must be considered before the Prorogation, to be dealt with, instead of occupying the time with a measure whose supporters were constantly diminishing? He would venture to urge on the hon. Baronet the propriety of reconsidering his position, and that he should not continue year and year to inflict on the House a Bill which there was no prospect of passing.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Wheelhouse.*)

MR. CARTER: Sir, my hon. and learned Colleague the Member for Leeds (Mr. Wheelhouse) has filled such a very large part of the picture in to-day's discussion upon the question which is before the House that I feel I should be scarcely doing my duty if I did not seek to occupy some small part of that picture myself. Although I may not be

brought out in such colours and with such prominence as my hon. and learned Colleague, and though I may not be placed with exactly the same Party as he is, I wish to make a few observations in reference to this Bill, and, in doing so, I must ask that indulgence of the House which is usually offered to those who address it for the first time. I have ever found the House to be exceedingly indulgent, and to give to every Member—even though he may not have the ability of expressing his views in the best possible language, or with the greatest amount of plainness—the fullest opportunity of expressing his views. I wish most heartily I had the confidence and the nerve of the two Gentlemen who have already addressed us on this subject—namely, my hon. and learned Colleague, and the hon. Member below me who has talked to the hon. Baronet the Member for Carlisle like a father. I, however, thought that although these remarks might have been made by anyone representing Her Majesty's Government, they were scarcely in their place coming from the hon. Member for Rochester. I wish to take exception to two or three remarks which have been made by my hon. and learned Colleague. At the commencement of his speech he said he was not an original. I believe he is the only person in the House who would venture to give that opinion. I am sure there is not another hon. Gentleman in this House who could have made the speech that we have listened to; and I shall, Sir, before I sit down, have an opportunity of referring to another speech which the hon. and learned Gentleman made in another place, which I believe no other Gentleman in this House could have made but my hon. and learned Colleague. Sir, it is not my intention to discuss at length the principle of the Bill—I mean its main or leading principle—the prohibitory principle. Neither do I intend, Sir, to follow my hon. and learned Colleague through the arguments that he has used in opposition to the Bill. His arguments are neither new nor more weighty than when they were brought forward years since, and they have been most successfully replied to by Gentlemen who have followed him in previous years. Ever since I have had the honour of a seat in this House I have invariably supported my hon. Friend the Member for Carlisle on this Bill, not because I

*Mr. Goldsmid*

agree with him entirely in reference to its prohibitory principle, but because I am anxious that the whole question of licensing and regulating the liquor traffic should be referred to the people—and decided by them rather than decided by a bench of magistrates, or by any committee appointed by the ratepayers. The hon. Gentleman who has spoken last has argued as if the Permissive Bill party in the country were afraid to relegate this question to the people. Now, I think that is a matter of detail, and I should be quite ready, if the Bill comes into Committee, to move that this matter shall be referred to the inhabitants rather than the ratepayers; and I have far more confidence that the great mass of the people would be in favour of this Bill than the higher classes. Sir, I believe the hon. Baronet has no idea of being successful to-day. Is it any reason that he will not be successful in future years because he has only one-fourth of the House with him to-day. My hon. and learned Colleague put it on that ground. He said—"Look, you have only a quarter of the House voting with you on this question!" But what great question has ever been carried through this House that has not been opposed and defeated by great majorities at first? What was the case with the Motions for the repeal of the Corn Laws and the Reform Bill of 1832? And this was the case when my late hon. Colleague (Mr. Baines) brought forward his Reform Bill. He had a few followers; but in a very few years the Bill got a large number of supporters, and in time was passed into law. My hon. Friend who spoke on the bench below me (Mr. Goldsmid) said that very great improvements had taken place in regard to drunkenness, that the higher classes drank far less than formerly, and that the working classes drank far less than formerly. Admitted. But who has brought about this improvement in reference to both the higher and the lower classes? I believe that it has been brought about entirely by the advocacy of temperance principles—by Gentlemen like the hon. Member for Carlisle. It has been the general discussion on temperance, and the evils which attend drunkenness, which has led to this improved feeling in the country. Sir, I very much dispute whether we should have had the Licensing Bills which have been before us in the last

four or five years, if it had not been for the agitation out-of-doors. If we had no Permissive Bill Association, no United Kingdom Alliance, I question whether we should have had the Bill which was introduced by Lord Aberdare. A very short time ago, little regard was paid to the number of licences issued in different districts. They were issued in numbers without the slightest regard to the influence they were likely to produce on the morals of the people. A short time ago a publican could keep his house open at all hours, both night and day. Now we have a prohibitory liquor law for several hours in the 24. Formerly, he could supply drink to children and to drunken people. He cannot do so now without rendering himself liable to a penalty. It is almost universally admitted that the publican's is a dangerous trade, and in consequence of its being a dangerous trade liable to abuse, it has come to be understood that no man can take up that trade except he is of good character. In former times, rogues and people of bad character have got licences by the dozen. Now, Sir, there has been a great alteration in this respect. And why? Simply because there has been discussion out-of-doors in regard to this matter, and that discussion has forced Her Majesty's Government to look at the question, and see what improvements could be made in the licensing system, with a view of removing the disgrace, and, as far as possible, the immorality which is attendant upon the drink traffic. Now, my hon. and learned Friend (Mr. Wheelhouse) has argued this question as if any limit whatever was tyranny. Now that argument, if of any weight whatever, should go to the removal of all restrictions, and ought to go to the removal of all licences, and leave a free and open trade, without any restrictions whatever. But we are not prepared to do that. It comes to this. It is simply a question of what amount of restriction is to be put upon this trade. In the circular issued by the licensed victuallers, the conduct of my hon. Friend the Member for Carlisle and those who advocate this cause, is denounced as unhealthy and venal. I think these are very strong terms to use in reference to the advocacy of a number of people who can have no interest in the matter whatever, excepting the good of the people. They also say this in this circular—that



there ought not to be opposition—such opposition as is allowed in this House—because they are a legally recognized body, and it is a legally recognized trade. But why is this trade legally recognized? Because of its danger, because of the evil of its influence on society. And I believe the only question between us—those who are opposed to this Bill and those that are in favour of it—is, how far these restrictions should extend? My hon. Friend the Member for Carlisle simply proposes that you should give the inhabitants or rate-payers of any district in the Kingdom the power of entirely prohibiting this trade, that they may be free from the evils which are consequent to it. Sir, the Gentlemen who oppose this Bill—not, of course, the majority of the House—are alarmed at the idea of the poor man losing his beer. That is a strong argument with my hon. and learned Colleague. I have had the opportunity of mixing extensively among the working classes for the last 25 years, and I have often had the opportunity of putting this question to them, and I have never found any serious opposition at any meeting I have attended against the adoption of the prohibitory principle where a large majority of the inhabitants of a district were willing to adopt it. Sir, if the feeling among the working classes is anything like as strong as has been represented by the two hon. Gentlemen who have spoken, why have they such a fear and dread of this Bill? And why should a large number of gentlemen connected with the licensed victuallers come up here, and lobby Members, in order to throw out this Bill? Sir, there is a great amount of false sentiment in these arguments with regard to the working man and his beer. Where beer enters into consumption with the meals, as it does in London, it might be a hardship to deprive the people of it. It might be difficult, and it would be impossible, I should say, to put this Bill into operation in such places. But does it follow that because you cannot remove an evil in London, you should not try to remove it anywhere else? My argument is, that where people are prepared to submit to this Bill, you should give them the opportunity of submitting. In most northern towns it is by no means the rule, but the exception to send out for beer with the meals, and it would be

very little hardship to the northern population if this law was put into force. Now, Sir, I spent the early part of my life as an agricultural labourer, and it was not until I arrived at manhood that I entered a large town. There was not a public-house within three or four miles of the place where I spent the early portion of my life. But I do not know a more vigorous lot of men in the world than the men who inhabit that district. They do not see or taste drink from month's end to month's end, and yet they are some of the most vigorous working men in the Kingdom. Since then I have spent something like 25 or 30 years of my life at a large workshop, and had for many years of my life the conduct and direction of a large number of men, and I can say without the slightest hesitation that it would be very little hardship indeed to the great mass of the working classes to be compelled to do without the kind of stuff that is sold in public-houses. I am not speaking as a teetotaler; but I am speaking, Sir, as having had a considerable amount of experience in managing and directing men, and I say without the slightest hesitation that drink is idle. And if you allow working-men to have drink during the time they are at their labour, it is a great disadvantage both to the man and to the master. And I know that in some of the best workshops in the Kingdom there is a prohibitory law that no man shall either bring in or send for drink into the workshops during the working hours. Sir, I admit that if this prohibitory law was to come into operation to-morrow, that the minority might be put to considerable inconvenience, and that they might have to make a considerable amount of self-sacrifice. But that is only what we are called upon to do every day of our lives, and nearly all the laws that we pass in this House in some way or another effect the liberties of the people. I think, in discussing questions of this kind, we ought to consider the object as well as the rules which we lay down. A short time since we had a discussion on a Coercion Bill, and hon. Gentlemen who object so strongly to coerce people in regard to drinking, have no scruples whatever with regard to coercing the people of Westmeath. [*Laughter.*] Hon. Gentlemen smile as if there was no parallel between the two cases. Well, you call upon the respectable and well-conducted inhabi-



tants of Westmeath to deprive themselves of a number of privileges. And why? Because there are a few outrages and murders in Westmeath. Why, Sir, hundreds of outrages and murders take place in this country in consequence of drink, and yet hon. Gentlemen laugh when I want to draw a parallel between the two cases. Sir, the licensed victuallers in their circular say that the arguments of my hon. Friend the Member for Carlisle are venal. I say that the arguments used on the other side in this case are not patriotic, and are not such as we should put into very great prominence either in our speeches or in our legislation. I have always been given to understand that it was noble, and great, and good to make sacrifices. But the arguments are just the opposite that have been directed against this Bill. We are told that to make people sober by Act of Parliament is to tyrannize over them. Sir, I wish to make two or three remarks in regard to the opposition of my hon. and learned Colleague. Just allow me to say, first, that I have found by experience that there are two classes of working men, the provident and the improvident. The provident man will be able to supply himself with beer or drink, if this Bill passes, just as well as the better-class man supplies himself now, and he will not be entirely deprived of beer. And if beer is such a capital thing, why not let the family have some of it as well as the individual who fetches it himself from the public-house? The arguments have not been brought forward to-day by either of the two hon. Gentlemen who have spoken, that the clubs in Pall Mall would supply the higher classes with everything they require, while the lower classes would be deprived of beer and spirits. I have yet to learn that the clubs in Pall Mall have any monopoly in club law. I believe the working classes have their clubs as well as the higher classes, and I believe there is no disposition to apply any laws to working men's clubs that are not applied with equal severity to the higher clubs. My opinion is, that if this Bill passed we should have more working men's clubs, where men could amuse themselves without having the publican coming in and reminding them to have something for the good of the house. Would not that be better for them than to have a constable coming

in, as he very often does into a public-house, to warn those present that the hour is getting late, and that they had better retire to their homes? I am sorry my hon. and learned Colleague is absent from the House; for simple-minded people have the impression, and they express it pretty loudly sometimes in my hearing, that it is a disagreeable task to move peremptorily the rejection of this Bill, and that my hon. and learned Colleague would not take the course he does in regard to it if some very strong pressure was not brought to bear upon him to compel him to do so. That he does so, however, from the best and most generous of notions and the purest intentions I have not the slightest doubt. Now, I did hear that my hon. and learned Colleague had shrunk from the duty, and somebody else had been found to do it. But that was not to-day the case, for my hon. and learned Friend turned up and fought the battle as nobly and energetically as ever he did. I did hope that there was some truth in another report that I read in one of the newspapers—that my hon. and learned Colleague had turned teetotaler, and that he was going to join my hon. Friend the Member for Carlisle. I fear, however, that report is not correct. But what does the inference that simple-minded people, of whom I have spoken, draw amount to? It amounts to this—that the great mass of the people of Leeds—his and my constituents—are in favour of opposing this Bill to limit the influence of the drink trade! Whenever there is a question of this kind before the House my hon. and learned Colleague draws his sword, and rushes to the front of the battle in favour of the drink interest. I do not want to give offence to him, but I entirely deny the inference is correct, for the last grand jury at Leeds made a presentment to the learned Judge who presided at the Assizes, deploring the evils of the existing system, and they asked the learned gentleman to forward it to the Home Office. My hon. and learned Friend will, I think, hardly be surprised if I take this opportunity of reading a few extracts from a speech which he delivered in November last. Sir, I claim for my constituents that they stand in the front rank of those who seek the welfare and improvement of the masses of the people, and it would be alien to their character and to their



nature if they did not offer uncompromising opposition to the liquor traffic. I speak strongly on this question, because I have received so many protests against the conduct of my hon. and learned Colleague; and, Sir, I am sorry to say that his conduct is having its effects in other parts of the country. The people of Leeds are undoubtedly taking a leading part in the endeavour to put restrictions on the use of drink, and my hon. and learned Colleague, in the course he has adopted in this House, never dares to say that he speaks in the name of his constituents, or of the mass of the intelligent working men of the country. In this matter—the drink trade—my hon. and learned Colleague must be considered far more as the representative of the licensed victuallers of Leeds than as the representative of the mass of the intelligent working men of the borough. Sir, I said that the conduct of my hon. and learned Colleague was affecting the character of the borough, and so it has, in a way of which he is probably not aware. A few days ago a meeting was held at Grimsby, Yorkshire; and at that meeting the following question was discussed—"Shall Leeds be honoured by having the next conference held there?" and the argument against the meeting being held there was that Leeds had become demoralized; and had taken the lead in advocating the most demoralizing trade in the world. The proposition was carried against Leeds. The speech of my hon. and learned Colleague to which I have alluded was delivered on the 9th of November, 1874. He had been dining with the members of the Licensed Victuallers' Association at Leeds; and at that meeting he made use of these words—"There are few occasions on which I am so happy"—the hon. and learned Gentleman is proud of his position, and you will see directly that he is proud of his connection with the licensed victuallers. "There are few occasions," he says, "on which I am so happy, and scarcely any on which I feel more in my place than in coming to the dinners of the Licensed Victuallers' Association." My hon. and learned Friend then goes on to say—

"I never can forget, and I never will forget, how much I owe to those who were the Licensed Victuallers' Association, and the managers of it when first I came into Parliament for the borough of Leeds. Without saying that I owe

all to them, I owe perhaps as much to them—and I am proud to acknowledge it—as any man in Parliament ever owed to any constituency, be it large or be it small."

My hon. and learned Friend says—"Without saying that I owe all to them (that is, the Licensed Victuallers' Association) I owe as much to them as any man in Parliament ever owed to his constituency." That is the fair meaning of the words I have read. Let us analyze them a little further. We all owe everything to our constituencies for sending us here; and my hon. and learned Friend cannot owe more to his constituents than we owe to ours. But is not this the inference which we may fairly draw from what he says—namely, that he owes to those gentlemen—the licensed victuallers—everything for sending him to Parliament in 1868. If that be the case, then it must largely detract from the value of the opposition which the hon. and learned Gentleman has made to the Bill; because, if he is indebted to the licensed victuallers for everything, then he is bound in gratitude to oppose this Bill. I call this "The extraordinary confession of the hon. and learned Gentleman." I must, however, say that this confession did not much surprise the constituency of Leeds, but it created a vast amount of sympathy for the hon. and learned Gentleman; sympathy, because it was felt to be a very great misfortune for the hon. and learned Gentleman that he was unable to attend any dinner-parties which gave him such great pleasure as these dinner-parties of the Licensed Victuallers' Association; it was felt to be a great misfortune that the hon. and learned Gentleman could find himself nowhere so much at home as at the dinner of the Licensed Victuallers' Association. Sir, may I express the hope that in the future the hon. and learned Gentleman will be able to find other dinner-parties which will afford him much more pleasure, and other society where he will find himself quite as much at home as at the dinner parties of the Licensed Victuallers' Association of Leeds? I am told that this meeting of which my hon. and learned Colleague was so proud broke up in something like confusion and disorder, in consequence of the state of excitement to which many of those present had been brought by the drink and extraordinary

speech which my hon. and learned Friend then made. I am told that some other hon. Members who were present could not get a hearing in consequence of the excitement that prevailed. I have never attended any of the dinners of the Licensed Victuallers' Association—[An hon. MEMBER: Because you were never invited.]—but I have always been under the impression, that, though the dinners might be very good, the company was not such as a well-educated and learned man would find pleasure in, and feel most at home in. There were several hon. Members in this House who considered it consistent with their duty to go there; some hon. Members no doubt consider that they are under some obligations to the gentlemen—the licensed victuallers—and that it is their duty from time to time to meet them and thank them for the support which they have given them during Parliamentary election contests; but I never heard from anyone of the hon. Gentlemen who attended these dinners that the company were of a very intellectual order, or such as learned Gentlemen would be quite at home at. On the contrary, I fancy that the general experience is, that they come away sadder if not wiser men, and feeling that they would have been very much happier if they had remained at home. Nothing can be more touching than the expression of gratitude of my hon. and learned Friend—“I will never forget you; I never can forget how much I am indebted to you.” Now, I would ask this House if it is not under a sense of obligation to these gentlemen that my hon. and learned Friend always comes to the forefront of the battle whenever this matter comes before the House. He tells you himself that he is under deep obligations to these men; and for that reason he champions their cause not only to-day, but on every occasion when their interests are brought before the House. I will only detain the House for a few moments whilst I allude to two or three matters connected with my own borough. My hon. and learned Colleague informed the House that he despised all Petitions which were presented to Parliament in favour of the Permissive Bill which were got up by the United Kingdom Alliance. These Petitions are got up, Sir, by purely voluntary effort, and are fruits of noble and generous acts. If the

House is asked not to regard these Petitions, then I ask the House not to pay any attention to my hon. and learned Friend, for by his own acknowledgment he is sent here by men directly interested in the liquor traffic. In 1868 two gentlemen were before the constituency of Leeds—one a teetotaler, and the other a Permissive Bill man. The Licensed Victuallers' Association did their best to prevent these men from being returned, and they selected my hon. and learned Colleague to be their advocate, but the two temperance men were returned by a majority of 5,000 over my hon. and learned Friend. In the election of 1874 my late hon. Colleague (Mr. Baines) lost his election, and why? Because he supported my hon. Friend the Member for Carlisle? No, but because for the first time in his life he refused to give Parliamentary support to the hon. Member for Carlisle. The question was put to him—“Will you, as in former years, support the Permissive Bill?” and my late hon. Colleague for the first time in his life said—“I do not believe in making men temperate by Act of Parliament.” What was the result? He was not returned to Parliament; and that, I think, is a strong argument as showing that the people of Leeds are in favour of temperance principles. My presence here is as strong an argument as can be used to show that the great mass of the people are in favour of temperance as opposed to the principles of my hon. and learned Colleague. I have always been honoured by the uncompromising opposition of the licensed victuallers. Before 1868 they regarded me as a dangerous man; but all their opposition in 1868 did not prevent me and my late Colleague Mr. Baines—who was a teetotaler—from being returned at the head of the poll. Since 1868 they have been more bitterly opposed to me than ever, but all their bitterness and all their opposition did not prevent my being returned at the head of the poll in 1874. My object in referring to the speech of my hon. and learned Friend, and in using this language, has been to show that my hon. and learned Colleague has not the great mass of the people of the borough of Leeds at his back in the course which he has taken. I do not in the slightest degree desire to condemn my hon. and learned Colleague in the



course which he has taken; he has a right to his opinions, and he has the courage of his opinions and his convictions, which a great many men have not. I believe that he is thoroughly honest in his views, and that no man believes more thoroughly in the cause he advocates. I do not censure him, I merely wish to put the question before the House in this light:—So far from my hon. and learned Colleague representing the intelligence and morality of the great masses of people of Leeds on this matter, he does not speak in their interests and on their behalf at all. There have been within the last five months scores of meetings held in the borough of Leeds for the purpose of supporting temperance, and my hon. Friend (Sir Wilfred Lawson) with respect to his Bill, but there has been no meeting on the other side except a meeting of the Licensed Victuallers' Association, and of course they are directly interested in the matter. I thank the House for listening with so much patience to my imperfect remarks. Until the Government, whether Conservative or Liberal, undertake to deal with this question in a satisfactory manner—I do not mean dealing with it in the manner in which successive Governments have been in the habit of dealing with it—I shall feel it my duty to support the hon. Member for Carlisle.

MR. ROEBUCK: I beg to assure the House that I shall not long occupy their attention; to tell the truth, however, my present step rather alarms me after the speech we have just heard from the hon. Member for Leeds (Mr. Carter). Imputations have been thrown broadcast by him on his hon. and learned Colleague (Mr. Wheelhouse) that he is supported by the licensed victuallers. So am I. I am told he has attended their dinners. I have not; but notwithstanding all that has been said of him at the close of the speech of the hon. Member he said of his hon. and learned Colleague that he was a man who had the courage of his opinions, and that he knew he was honest and spoke what he felt. Well, that answered all he had said before, and destroyed the imputation that he was under the guidance of the licensed victuallers. I want, however, to lift this question out of the mud of personalities. I want to ask certain questions which I will attempt to answer, and which from a long political life I think myself some-

what entitled and competent to answer. I want to ask if this Bill is a wise Bill; next, if it is a just Bill; and third, if it is a practicable Bill. Now, is it a wise Bill? We are placed by Providence in a world surrounded by certain means by which we are to be made better and more comfortable in our condition and in the enjoyment of life. In ancient times it was expressed in the short phrase—"That a country enjoyed corn, wine, and oil." Two of these things are struck at by this Bill, and that which ancient experience has taught us to believe to be great boons of the God of Nature this Permissive Bill is about to destroy and deprive man of. But it is said "this gift of God is a dangerous gift." Now, I would ask, is not every gift of God dangerous? He has given us metal, and we use it for our own destruction. He has given us medicines, and we use them as poisons; and when I am told that the liquor traffic is dangerous, I ask, Is not the chemist's trade a dangerous one, and are we not obliged to surround it by laws exactly as we surround the liquor traffic? Do we not also surround the dealing with powder with laws? Yet who will get up and say that no nation shall make powder or use medicines? The fact is this is an argument which has been driven to an absurdity. Supposing that the Bill was universally adopted, and the majority in England were to be allowed to determine what the minority shall drink, the result would be that every man's private arrangements would be interfered with. We may be told that other laws do that; but there is a broad distinction. Laws do not interfere with men in certain cases. They do not regulate their private life. All they endeavour to do is to regulate a man's conduct so that he shall not be a mischief to his neighbours. That is already done, or may be done, with regard to the liquor traffic. If a man chooses to make a beast of himself and get drunk, the law may take charge of him, and say—"You have offended against the rules of your country, and we will put you into prison." But to say that I who have lived a life of temperance, and know not what it is to be drunk, should be deprived of a glass of wine or beer, is going beyond the rule of law and jurisprudence, and cannot be brought forward as a line which we should follow. Therefore, I

Mr. Carter

say this is not a wise Bill, and I affirm my conviction that if it passed, England would become next to a hell upon earth. I will tell you why. In every parish there would arise a contest which would be constantly carried on, and there would be an espionage instituted over every man's life. We should have A and B discussing what C and D drank, and we should have one-half of the community ranged against the other. We should, in fact, have in England from one end to the other a scene of riot, confusion, and disquiet. Not only that, but if the law was enforced, I am convinced you would have a rebellion. The advocates of the measure, though they claim to represent the people of England, in reality do no such thing; and the people, if the Bill passed, would not submit to such coercion, but would say that Parliament had nothing to do with their inmost life, which was, and which ought to be, under their own guidance. Now, is it a just Bill? What does it ask? Why, it asks that a majority of rate-payers in any community are to be able to say that all the rest shall not have the liberty to drink. Is that justice? The minority will say—"We have done nothing to offend the law; why should we be prevented enjoying that which Providence has given us?" Therefore, I hold that this is an unjust Bill. Well, is it a practical Bill? I will now endeavour to show what the real working of the Bill will be if it is passed. Supposing that in the parish A or B there is a meeting held, and a determination arrived at by two-thirds that the Bill shall be enforced in that parish. The parish will after all be a small area, and the district around it will not be affected by the law, and in the result there will not be the slightest diminution of the liquor traffic. So what is the use of passing the law? All round the precincts of the parish public-houses will be built and liquor will be transferred into the parish as freely as if it were done by pipes under the earth. If I go a step further and suppose that the whole of England would place itself under the operation of this Limited Liability Permissive Bill, then there would be a rebellion in the country. Summing up the whole thing in a few words, I would ask, why are we to be called upon, year after year, to express so strong an opinion as we have expressed regarding

this Bill? I think I can imagine why. There is nothing in this world showing itself upon every action so much as personal vanity. I have seen very curious instances of that in my life in this House. I have seen it attempted to make one law for England, Scotland, and Ireland, and I have seen that opposed, and opposed moreover very much for one particular reason, and that was, that there were certain persons in this House who when laws were made for Scotland were the heroes of the night, and when laws were made for Ireland others came forward, and they were the heroes of the night; and when this Bill is brought forward the proposers are the heroes of the day. That is a sufficient explanation, and I think if the House were to take the wise course it would throw this Bill out on the first reading, and then there would be an end to all the injudicious and injurious agitation throughout the country. At present the country is kept in a state of fear lest the day should arrive when the Bill would pass the second reading. We have Petitions marshalled before us to-day, but we know what organization has got them up. I am told the Permissive Bill has £100,000 at its back. That money is being spent in procuring these enormous rolls of paper called Petitions, which are signed by men, women, and children, and often not only by men, but by the same men several times over. With £100,000 and a cry you may at any time get up these Petitions. I have seen many occasions when Petitions have been disregarded by this House, and I beseech hon. Members on this occasion to judge by their own reason and knowledge of life whether this Bill is a righteous one. If this Alliance would turn their hearts to the improvement of the morality of the people, and they would preach to the people the conduct they ought to pursue would take pains to instruct them, and would do all they can to increase and improve the education of the people, I would say they deserved the thanks of their country; but while they are going upon a wild scheme, which can never come to a beneficial end, they are only a nuisance to the people.

SIR WILFRID LAWSON: Mr. Speaker,—The hon. and learned Gentleman who has just sat down (Mr. Roebuck) informed us that he rose to lift this question out of the mud of personalities,

but, before he had got very far, he said that this Motion was brought forward to gratify my personal vanity. I hope that in the remarks which I shall venture to make to the House, I shall succeed in keeping out of the mud better than he has done. Sir, when I looked at the Order Paper this morning, I found that I had not only my usual two antagonists to contend with, but that their number had been increased to three. First of all, there is my hon. and gallant Friend—[*Laughter*—]I say “gallant” because he has fought so gallantly—the Member for Leeds (Mr. Wheelhouse), who always takes up a position against me. I shall not deal with his speech, for I think he will excuse me if I say he is far more successful in “talking out” a Bill than in arguing it out. I have another reason for not alluding very much to what he has said—namely, that he has already been very considerably scathed by his hon. Colleague (Mr. Carter). Then, the second name on the Paper is that of the hon. Member for Rochester (Mr. Goldsmid). He and the hon. Member for Leeds are a kind of Siamese twins in this matter. Whenever any drink Bill is before the House, together they rush into the fray. Then there is my third opponent whose speech I am sorry I have not yet heard because he is a new opponent, from whom I expect to hear something good, and, looking at *Dod's Parliamentary Companion*, to find out what manner of man he was, I find him described as “a Conservative” who “has written poems,” and hope still to have the pleasure of hearing him, and that there will be a few moments left in which he can address the House before we divide. I therefore hope hon. Members will allow us to divide on this question to-day, that we may hear how he treats this subject, because then we shall have had it discussed in all its varieties. The hon. Member for Rochester prophesied to the effect that I shall be as old as Methuselah before the Bill is carried, and if we have the speech of the hon. Member to whom I have just referred (Alderman Cotton) we shall have poetry, and the hon. Member for Leeds has given us prose. But, though my foes are so numerous, able, and determined, I feel I meet them at as great an advantage to-day as I ever met them, and I will tell you why. I have nothing new to say, and therefore I am afraid the

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House will be wearied with my arguments, which they have heard over and over again; but my case is stronger to-day than it ever was before. Every year the present system goes on working the evils against which I come to this House for remedies. If my opponents will come forward and say that that system goes on well, that it is working admirably, and that its effects are seen in reducing pauperism and crime, then they will have something very strong against the Bill. And, surely, it is time they should be able to show some results. We have had this licensing system at work for generations, and of late years it has been talked about, discussed, and debated on in this House more than in any previous period of our history. First of all Mr. Bruce brought in his Bill; then the present Government came into office, and the right hon. Gentleman at the head of the Home Department brought in his Bill, and so the united wisdom of both sides of the House has been brought to bear to bring about a reform of these licensing laws. But what has been the result? Now, I do not think I should be justified in taking up the time of the House with many statistics, but it is necessary that I should give a few statistics, and state a few facts, because if I do not do so some one will, in all probability, rise and say that drunkenness is diminishing very much in the country. It appears, then, from the Returns and estimates of arrests for drunkenness during the year 1873, that they amounted in the Three Kingdoms to no less than 348,000 persons, and I have inquired what the Returns are for the last year, and I find that in England instead of there being a decrease there has been an increase of 2,700 odd, and in Ireland of 1,800 odd, thus making an increase of upwards of 4,000 cases of arrest for drunkenness. The latest Returns for Scotland I have not got. I want the House, however, to observe this, that these figures do not in the slightest degree indicate the extent of the evil. Major Cartwright, the lately deceased Inspector for the Midland counties, used to say, and our observation confirms the opinion, that for every person who is taken up for drunkenness 10 persons escape. In Edinburgh alone, 56 per cent of the persons apprehended for other offences than that of drunkenness are apprehended in a state

of intoxication. It is, therefore, altogether impossible for the House to fully realize the enormity, the immensity, of the evil we are attacking. Now, in Glasgow we used to hear of the number of persons taken up for drunkenness; but some one the other day made a discovery—namely, that there were in the preceding year no less than 22,000 more people taken up for drunkenness than appeared in the Returns. These 22,000 persons were taken up for drunkenness by the police, but they were released without coming before the magistrates, and nobody knew anything about it. The other day an effort was made to alter this state of affairs, and then it was found that they had not room enough for the purpose in their prisons. I know I shall be told that this all arises from the high wages in the country; and I quite agree with that. I believe the rate of wages is one of the causes, and it therefore comes to this—that it is to be an excepted rule, that the prosperity of this country, which we all labour to produce, results mainly in enriching the publican and in filling the exchequer of the Chancellor of the Exchequer by the revenue derived from drink. After all these years of high wages that is what we have come to, and I do not think that any Member of this House will get up and say that this is a satisfactory state of things for what we call a Christian and civilized country. And I know more than this. I know the House will listen to any remedy which is suggested for grappling with the evil, although it may not believe that it is the most effectual remedy. I do think, then, we have a case for coming before this House, and I do not think I have ever felt so humiliated as I did on Monday night in this House, and I am sure we all did, if we could speak out what we thought, when the right hon. Gentleman the Home Secretary brought in that flogging Bill. Mind, I am not now saying that that is a wrong Bill, far from it, for this is not the time to discuss it. It may be absolutely necessary, and that is a point which can be argued at another time; but if it be absolutely necessary, it is much to be regretted that after years of teaching and preaching Christianity and civilization in this country we are obliged to have recourse to this horrible system of torture that we thought we had left behind us in the Middle Ages. I think

my hon. Friend the Member for Leeds (Mr. Carter) alluded to that wonderful presentment of the Leeds Grand Jury, which I consider goes to the very root of the matter.

"In nearly all the cases which have been brought before them where violence has been committed, whether in aggravated assaults, or in the brutal beating of wives, or in the form of licentious outrages on women, the exciting cause has been strong drink; and the criminals are shown to have often issued from the public-house or beer-house in a state when they had lost reason and self-control. It is in the interest of the whole public that attention should be drawn to the exciting cause as well as to the punishment of such offences."

That sentiment was fully endorsed by the learned Judge who presided on that occasion, and my position is based upon that very recommendation. I say that when people are liable to give way to these temptations, and a small minority of them commit these atrocious crimes, my position is that it is not advisable to thrust upon them, with the strong arm of the law the temptation to drink. That is your present system. ["No, no!"] Some one says, "No, no." Parliament, I say, has laid down very strict and definite rules in this matter, and let me allude to what the rules are which the Imperial Parliament has laid down, and show the House that I am not in any way trying to interfere with them. Parliament, after many years of experience has decided what sort of houses should be employed for the sale of drink; it has decided on what particular day those houses should be opened, and during what particular hours, from early in the morning till late at night. It has decided to what sums of money should be paid and levied on these drinks and on the licence to sell them. It has decided on the penalties which shall be paid by those who consume too much drink or sell too much drink; and more than that, it has decided on the exact class of men who are to engage in this trade. And let me here, when I allude to the class of men, say that I do not agree with my hon. Friend the Member for Leeds (Mr. Carter) in one part of his speech, in which he tried to cast a little slur on the character and conduct of licensed victuallers in this country. I consider them to be picked men of the country, who have been selected by the magistrates for their many excellent and



moral qualities. I would ask why we should sneer at the hon. Member for Leeds (Mr. Wheelhouse) for joining on those festive occasions with those excellent men? I have never been asked to attend any of these dinners, but were I asked I should go with a great deal of pleasure. Now, Sir, I do not propose to interfere with any of those rules and regulations which the Imperial Parliament has laid down. I am really not clever enough to run in the face of the aggregate wisdom and the long experience of the House of Commons, and to suggest any improvements in these laws. All I say is, that I want to make a little alteration in the condition under which you allow this elaborate machinery to come into force. No one can sell a drop of drink in this country without the sanction of the magistrates, and the magistrates only grant a licence for the sale of drink to the men who come and ask for it. It therefore follows that the magistrates and the publicans are the people who have the absolute power of setting up this trade in any district where they are so minded. To that power I, Sir, object. That is the only thing which is embodied in my Bill, and that is the whole question which we are discussing to-day—whether it is for the public good, for the advantage of the cause of progress and morality, that magistrates when so minded should, against the will of the majority of their fellow citizens, establish public-houses, gin-shops, and beer-shops in any district. But, Sir, that is not bringing a charge against the publicans: they are commissioned to sell, and they are commissioned to sell just as much as will do a man good, and no more; but, sell him a drop more, and they have exceeded the regulations. And that is one part of my case—that they have often made a mistake, and have sold to a good many men a great deal more than is good for them. It is impossible sometimes to decide for one's self, and it is certainly still more difficult for anyone to decide for him, how much liquor is good for a man, and it is not my case to define what quantity is good for a man. All the publicans in England cannot do it satisfactorily. There is a certain vagueness about the word moderation which baffles all attempts to define it. I remember the late Prime Minister, in one of his Budget speeches, told an anecdote

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of a working man, who, having got very much injured, was carried to the hospital, where he had to undergo an operation. The doctor at once said—"This is a very serious case, and in order that I may know whether the operation is likely to be successful, I must ascertain from his friends whether or not his habits were moderate." He thereupon asked one of the man's friends if he was a moderate man, and he was told—"Oh, yes! he is a singularly moderate man," and on being further asked how much a day he took, the reply was—"Oh! he never drank more than about eight quarts a day." That shows the difference of opinion which may exist as to what is moderation, and I do not consider the publicans are good judges of the matter, for they have failed to supply the exact amount of drink which is consistent with good order, and which will not produce disorder. In proof, I will tell you a fact, which I think will perhaps rather surprise you. I see the hon. Member for Liverpool sitting near me, and Liverpool is a place where they talk for ever about Licensing Bills. I do not suppose there is a human being there—certainly not a Liverpool magistrate—who has not a strong view of his own as to what ought to be done with the licensing system. At Liverpool, of all places, with a strong police force, with a large number of able magistrates, and a stipendiary magistrate, also, they will take care that the provisions of the licensing laws are carried out whatever they may be, and yet, notwithstanding this, last year no less than 23,000 persons were arrested in that town for getting drunk. But how many publicans does the House suppose were arrested and fined for making these 23,000 people drunk? Just three. Is not that an illustration of the way in which the system works? As to the magistrates, you give them unlimited power of saying what are the wants of a locality, and of this I do not think they can judge. They may have the best objects in view, but they fail; for they do not know what is required, because they have not the means of ascertaining at their disposal. Take the case of Liverpool, for instance. There has been a remarkable map going round the Lobby during the last few days, showing how magisterial discretion has been exercised in Liverpool. If you

take the Sailors' Home there as a centre, and draw a circle of 150 yards all round it, you will find no less than 46 public-houses within that circle tempting these men to their ruin and disgrace. So much, then, for magisterial discretion; and now I come to what I propose. I simply propose that all the machinery which you have adopted shall remain untouched. I make no new licensing authority, neither do I make any revolutionary change. I propose nothing as to what houses are the best for the sale of drink, or as to what rent they should pay. I do not propose a single new penalty for any individual under this Bill. I do not believe very much in your penalties and punishments, although they may be necessary to a certain degree: but what I say is, that if there be a place in any part of the Kingdom—some country place, it may be, where there is a large majority—I say of two-thirds—in the Bill, copying in this respect some other Acts, who think that on the whole they could get on better without these drink-shops amongst them, they shall have the power of saying to the magistrates—"You shall not set this elaborate machinery in motion; you shall not licence these places, for they ought to be licensed, not for the good of the publican, but for the good of the public." I know, Sir, that if I begin to go into the details of the Bill I shall very properly be called to Order by you, because we are now discussing the principle of my proposal; but as one or two of my opponents have gone a little into detail, I am bound to defend myself upon the points they have raised. The hon. Member for Rochester (Mr. Goldsmid) says that I give three years for the experiment of prohibition; but that if they refuse to adopt it, the agitation may be renewed at the end of one year. Now I think that as we have tried the old system from generation to generation, it is only fair that a three years' trial shall be given to my system where a district decides upon adopting it, so that a fair opportunity may be given for ascertaining how it answers. Let me observe that in my Bill I have endeavoured to be very fair. I have said that although it requires an immense majority to bring my Bill into force—namely, two-thirds, yet if after a three years' trial a district finds itself poorer and worse off than it was before, if there is more drunkenness than

had hitherto prevailed, then they may resort to the old system, and restore to the magistrates and the publicans the power of establishing these places by a majority of one vote only. Then the hon. Member for Rochester thought that I ought not to have taken the ratepayers and left it with them to decide, but that I ought to have taken the inhabitants generally. I am anxious to take the widest franchise I am able to get hold of and I am not ashamed of the ratepayers' franchise which I have proposed. I do not know how I can possibly make the register wider, but I am not bound to my franchise of the ratepayers. Still I remember on the first occasion of my bringing this Bill before the House the right hon. Gentleman the Member for Birmingham made a speech approving of some parts of the Bill, and in the course of that speech he said no doubt exception might be taken to the rate-paying franchise, but the ratepayers did substantially represent the views and the opinions of a neighbourhood. I hope the House sees really what I mean, that this is not intended to be a large and comprehensive measure. That is left for right hon. Gentlemen on the Treasury Bench, who are always bringing in large and comprehensive measures. This Bill of mine is only meant for those few places which are ready for it, and which really think they would be better without these houses. Last night I was speaking to a right hon. Friend of mine in the Lobby—I will not give his name, but he is an excellent and good man—and he said he should vote against my Bill, and added—"We don't want the Bill in my parish; there were three public-houses there, and I swept them all away." I said to him—"Well, do the people suffer much or complain?" He laughed in my face and said—"Complain! why they are all delighted." I said—"Do you mean to-morrow to go and vote that the people up and down the country in any other parish who may feel the same evil that you felt, and who may wish to remove it, shall not have the same power of protecting themselves as you did in your parish?" and, Mr. Speaker, he was speechless. Now, let the House understand that I do not come here in a bigoted way to say that my Bill is the great panacea for all the evils in creation. I have



heard it said over and over again that its machinery is insufficient, but I am not wedded to that machinery, and I will tell the House how I constructed it. You have many Acts of Parliament dealing with various matters which are of a permissive character, as the right hon. Gentleman the Home Secretary well knows. You have them for securing the cleanliness, the health, and the education of a district and so on. I got the best machinery I could out of these Acts, and pieced it together, taking a piece from one and a piece from the other, and it is open to revision by any hon. Member who can show me anything better. No man can go into the Lobby and say he voted against the machinery of the measure, because that is a matter which is wholly and entirely a question for the Committee. Now, I will come to the arguments against the Bill. Its opponents argue that compensation ought to be provided for in the Bill, and upon this point I would say that is a point for Committee also. But are you sure about this compensation? Let me give you what the Bishop of Peterborough said on this subject. Not long since the right rev. Prelate was speaking about the law of simony, and he, using a good expression, said—"the law of simony has slipped from its moral basis." So have the licensing laws, and so have a good many other laws. As to the compensation business the Bishop of Peterborough said he agreed entirely with the assertion that if we touch a man's property we are bound to give him compensation—I thought somebody would have cheered that remark—but the Bishop went on to say—

"I entirely deny that if you take away a privilege which is exceptional and injurious to the public welfare you are bound to give compensation for that; the Legislature always distinguishes between property and privilege."

Now that is precisely what I do. No man has a right to sell drink, except it be a privilege granted to him by the magistrates, and granted only for one year, at the end of which it becomes utterly valueless, and if the State steps in and says—"I decline in future to give you that privilege"—and it has a perfect right to do so—I do not see what just claim there can be for compensation. I will not, however, commit myself, because I have not heard a great lawyer

in this case express his views upon this question; but I should like to see one get up and inform the House that there was a shadow of foundation for giving compensation under these circumstances. I believe the result would be he would lose his character for ever. We always hear talk about the Slave Trade and the compensation which was given to the slave-owners. That, however, was paid to them as compensation for their property; but can anyone say that compensation was paid to anybody because he was forced to abandon the Slave Trade? That is quite a different matter, and the case is widely different from the one we have now before us. When a publican makes his bargain with the public one of three things must happen. He must during the years which he carries a licence make a good sum of money, or he must lose money, or he must remain exactly where he was. Now, if he has made a good sum of money he has got his profit, and I would say to him—"Stop your licence, go about your business, and do something respectable." If he has been losing money, it will be a great mercy to take his licence from him altogether; and if he remains exactly where he was before, then there can be no hardship in compelling him to give up his licence, and to do something which is more beneficial. We shall probably hear something about this question of compensation before the debate is finished; but for my part I say most distinctly that I cannot and will not recognize any vested right in producing what this trade does produce—namely, in the words of the right hon. Member for Birmingham, crime, disorder, and madness in the country. But if in Committee any one can show me a fair and just claim for compensation, I am perfectly ready to be convinced. I only wait to hear the argument. I hope I have made it clear what we are going to divide upon to-day, because that is my one point on the second reading. We are going to divide upon this question: Shall irresponsible authorities have the power to thrust drink shops on unwilling communities? Beyond doubt that is what we divide upon, and no one can get off by saying that the issue is anything else than that. All the rest may be done in Committee, if the House will only affirm the principle of the Bill. I do wish that my opponents would be

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logical; it is a foolish wish I know, and one that is not likely to be realized. Let them, however, have the courage to express their opinions. Let the Home Secretary to-day when he gets up and opposes me, as I think by his countenance he will, let him say that he knows the places where by the wills of benevolent landlords public-houses have been taken away. There is Saltaire. Sir Titus Salt removed the public-houses there, and the people are all the better off for it. In Bessbrook, in Ireland, which was a small town, the landlords prevent the liquor traffic, and the people are better off for it there. We see the same evidence in Scotland. Public-houses have been taken away, and the localities have improved. It is so on the Shaftesbury Park estate, where they will not allow a public-house to be erected. The Prime Minister was there along with me not long since, and he was delighted. I never saw a man so pleased in all my life. He looked round that estate, and saw it free of public-houses, and prosperity and happiness smiling around him, and he said it was "a grand example," or something like that, "which would be useful in future legislation!" and acting on his advice I am utilizing it in legislation to-day. If the Home Secretary is logical, he must bring in a Bill to prevent these arbitrary landlords from shutting up those houses, and depriving the neighbourhood of those luxuries of life. They have done it, but people do not complain. He says that nobody should prevent the public from getting what drink they require. Then why does he allow them to do it? Let him bring in a Bill to compel these public-houses to keep open if he believes they are for the benefit of the people. Last year I quoted the case of Seghill, a mining village in Northumberland, where there were two public-houses, and a very poor neighbourhood, and the proprietor being a benevolent man took a vote of these miners as to whether they would prefer to have these public-houses kept open or not, and by ten to one they decided against them, and the licences to these houses were taken away. Now, what is the result of this? I quote this case again because I have fresh evidence in regard to it. Mr. Alderman Laycock spoke only a week or two ago as follows:—

"When the colliery came into his hands it

was in a degraded position. . . . A number of men had asked his opinion some time ago, as to whether he thought the closing of the public-houses altogether would not benefit the people. He was not entirely in favour of the Permissive Bill, which required to have two-thirds of the ratepayers to necessitate the closing of the houses. However, instead of a bare majority, ten to one voted for the closing of the houses; and, although it was a great sacrifice to himself, he felt it to be his duty to close the houses, if by that means he could elevate the people of the village. . . . He had great pleasure in finding, from police reports and other sources, that the people were more sober in their habits than they were before the closing of those houses."

I am trying to persuade the House to allow the people to do for themselves what Alderman Laycock did for them at Seghill. If the Home Secretary is logical, he must provide for the establishment of public-houses in these places to make the people drink again. There is another question which has been before the House this year, and which has met with considerably more support than my proposition has. I allude to the Bill of my hon. Friend the Member for Londonderry (Mr. R. Smyth), for closing public-houses, compulsorily and entirely, with the exception of the usual regulations, on what is called the Lord's Day. Well, in my opinion, every day is the Lord's Day, in so far as we ought to follow the dictates of morality; and I wish the late Prime Minister was here, for he made a speech on this subject than which I think, although he has made many eloquent and thrilling speeches in his time, none ever gave more delight to the people of this country. The sentiments which he then expressed, and the principles which he maintained must absolutely and certainly be endorsed before long, and they go further than the policy which is embodied in the Bill now before the House. The right hon. Gentleman said—

"Is not this one of the questions on which the people of the three Kingdoms are in equity fairly entitled to have an opinion for themselves?"

Why, that is my Bill; to let people have an opinion for themselves, and to give them the power of acting upon it with regard to these places established around them. Why are the Irish people to be allowed to get rid of the pollution of public-houses on Sundays, and the English people not to be allowed to do the same on Sunday, Monday, Tuesday, Wednesday, or any other day in the



week? Is there anything peculiar in the state of Ireland which should permit them to have that privilege and to deny it to our fellow-countrymen in England? I remember the first speech made in this House by Mr. Delahunty, the late Member for Waterford, whom we generally regarded as an entertaining Member. When he got up he said—"Sir, Ireland is an island; it is entirely surrounded by water." But what difference does that make? Why is a place surrounded by water to be considered, and a parish surrounded by an imaginary line not to have its wishes considered? The argument runs on all fours, and the Members opposing my Bill may think they are consistent when in reality they are most inconsistent. In my case there are many signs of the times which prove that this question cannot be grappled with in any other way than by establishing in some form or other the principle of local option. There was a very remarkable meeting at Birmingham the other day of the leaders of the Liberal Party in that town. This is no Party question; but I quote it as one of the signs of the times, and the hon. Members for Birmingham need not listen to this part of my speech if they do not like it. There is an organization at Birmingham consisting of 400 electors, who are supposed to be what is called the *élite* of the Liberal Party, and they met not long ago to discuss the regulations of the liquor traffic. And they passed this resolution, virtually unanimously—"That this meeting is of opinion that the liquor traffic should be under the control of the rate-payers." Do not let the House be led away. I know that different speakers attach different meanings to the word "control." But somebody asked the mover of the resolution—"Do you mean absolute control?" "Of course I do," he said; "control is absolute control. I am not going to indulge in tautology." Now absolute control must mean the absolute veto. And absolute veto is what is contained in the Permissive Bill. The 400 electors of Birmingham thus endorsed the Permissive Bill at that meeting, and I hope that the three Members for Birmingham will some day, I fear not to-day—at least I have not much hope of it—prove as liberal in their views as are those who elected them. Then they said that they would commission a committee of their number to

draw up a scheme to embody their principles. This is right, I am waiting for the scheme, and when it comes forward I shall probably give it my support; but in the meantime we have got no scheme. But not only have I got the Liberal Party of Birmingham with me, but I have got a more powerful institution with me than that. I have got the Established Church with me. What do they say? In the report of a Committee of Convocation they say—

"Your committee are of opinion that as the ancient and avowed object of licensing the sale of intoxicating liquor is to supply the public with drink, the power of restraining the issue and renewal of licences should be placed in the hands of the persons most deeply interested and affected—namely, the inhabitants themselves, who are entitled to protection from the injurious consequences of the present system."

I am happy to say that in addition to that recommendation we have now a most powerful organization, of whom one of the leading members is my hon. Friend the Member for Scarborough (Sir Harcourt Johnstone), which is called the Church of England Temperance Society, and it is supported by the whole, or nearly the whole, of the Bench of Bishops. And I am very glad to find in the list the name of the Bishop of Peterborough, because he once uttered a sentence which gave great delight to the friends of the hon. Member for Leeds—I mean the publicans. He said—

"It would be better that England should be free than that England should be compulsorily sober."—[3 *Hansard*, ccc. 86]—

which was quite incomprehensible to me, because I did not see how freedom and sobriety could be antagonistic to each other. However, he said that, and that we who were defending the Permissive Bill were doing mischief. Well, now, he supports the Permissive Bill and something much more. I dare say he would deny that, but I shall show that it is so. The Bishop of Peterborough supports and advocates "giving to public opinion its due share, in conjunction with the existing authorities, in the granting or refusing of licences, and in the regulation of public-houses and beer-shops." Capital! That goes a great deal further than I go. I simply say that if people are ready and anxious for it, let them have the power of refusing licences; but the Bishops put it into other hands to grant licences, and interfere

with the magisterial discretion in regulating the public-houses and beer-shops. Now I say if that be the case, they certainly go further than I go, and they are advocating a more extreme measure than mine. The House cannot, perhaps, go so far as these extreme men go. I think it would be well if they would come forward and support me, "rejoicing in the day of small things." I am quite willing to support them. I think it would be well if they would come forward and support me, and give me their assistance, when they know that I am perfectly ready to support them heart and soul when they choose to bring forward their more complete measure into this House. But, perhaps, my hon. Friend the Member for Scarborough may aspire to be what is called a practical man. I found out lately what a practical man is. A practical man, according to the newspapers, is one who abuses Sir Wilfrid Lawson's scheme and does nothing at all himself. Now, do not let my hon. Friend fall into that practical error. Let him vote with me to-day, and when his elaborate Bill comes in next year—if he brings one in—he will find no more hearty supporter than I shall be. Then, there is a great objection to this Bill because it is permissive. I do not know how it got the name of the Permissive Bill. There are heaps of Permissive Acts. I believe it is called the Permissive Bill, because the people of this country have a belief that it will do more good than all the other Permissive Acts put together. Your present licensing law is permissive. Nobody knows that better than the Home Secretary sitting opposite me. No magistrate is obliged to licence any place. The district is marked out for him, and he is permitted to licence those places which, again, to use the words of the right hon. Member for Birmingham, produce crime, disorder, and madness in the country, and all that I want to do is to make a little alteration in that permissive law, and to permit the people to prohibit licences in these districts. It is clearly an alteration in the bye-laws of the country. I may be told, and told very truly, that this law will only come into operation in a few places. That is not my concern. I advocate it because it is just, and I wish to do justice to those places which are ready for it. I quite admit that there are many places

which are too foolish to think of putting it into force. Knowledge comes and wisdom lingers, and it will be a good while before many places are wise enough to do away with the public-houses. But there are some simple people who will be wise enough to do it, if we are wise enough to sanction their doing it. Well, there is good done if you only clear out one place. I see the right hon. Gentleman the Member for Oxfordshire sitting opposite to me, and once he, when we were debating this matter, reproved me for my Bill, and said that if the drunkards could not get their liquor in one parish under the operation of my Bill, they would go on to another. That is an extraordinary idea. The idea of the right hon. Gentleman was that we should have a law provided for an equal distribution of drunkards throughout the country. Why, if they went to the adjoining parish, that parish would have nothing to do but to adopt the same course that No. 1 had done. If that was done the drunkards would have to go on and on, from parish to parish, until at last they would get to some place where their society was valued and appreciated. And that is very likely what would happen. I was told a story the other day by an hon. Friend of mine who knows a good deal about the Dominion of Canada. He said that there the Lower House of Representatives abolished the bar where the Members were in the habit of enjoying themselves and getting their liquor; and the consequence was that as the Members could not get their liquor there, they went away to the bar of the Upper House, where they could, and there was always great difficulty in getting them back to a division. And that might be the case here. If this bar were done away with, I can fancy that hon. Members would go up to the bar of the House of Lords, and drink with the Peers Spiritual and Temporal, and we should find a difficulty in getting them back again. And if the bar of the House of Lords were done away with, we should have the Peers Spiritual and spirituous coming down here for their liquor. Then we are told that the people would not be benefited by this measure. I deny that utterly. I say that such an Act as this would have a great moral effect even in places where it was not adopted. The publicans



would feel that there was the sword of Damocles hanging over them, which only wanted the breath of public opinion to bring it down and polish them off. This would be the state of feeling. The people in a district where the Act was in force would see that pauperism and crime were decreasing, and the publicans in other districts would say—"This will not do; we must restrain ourselves; we must not go too far; we must not sell too much drink. Another suicide, a couple more murders, or, what will perhaps have more effect, another penny in the pound on the rates, will drive the people to put the Permissive Bill in force." My right hon. Friend the Member for Bradford (Mr. W. E. Forster) has been in America lately, and he kindly gave me a few facts which had been collected by the Governor of Rhode Island. The Governor of Rhode Island made a few inquiries into the operation of the prohibitory law in Rhode Island, where the Act is in force. Some men said it worked well, and some said it did not; and from one man he got this answer—"In my opinion, the moderate drinking party are getting as much liquor as they want, while the notoriously drunken party are not." Two men of the latter class were asked why they worked more steadily than they used to do, and the answer was—"Because we cannot get the liquor, for the liquor-sellers dare not sell enough to make us drunk, lest we expose them." I do not know whether hon. Members remember seeing an excellent picture which appeared last year in one of our illustrated weekly periodicals. There is a gin-shop and a wretched, ragged, half-starved, miserable human being, such as we manufacture wholesale by our system, is standing at the door. There is a comfortable, well-dressed landlady standing at the bar, and she looks at the poor wretch who has been made what he is by drink, and she says to the potboy—"Joe, turn that lot out." Joe replies to the landlady—"He says he has fourpence." "Then," says the landlady, "ask the gentleman what he will have to drink." That requires no explanation. But, Sir, surely if this Bill is opposed because it is a Permissive Bill, the right hon. Gentlemen whom I see on the Treasury Bench ought to be the last men in the world to oppose a Permissive Bill. Has not the whole of this Session been permissive

legislation from beginning to end? The Local Government Board brought in a long Bill relating to the public health, and the clauses are permissive from beginning to end. Then there is the Home Secretary who has brought in an Artizans Dwellings Bill. There is also a Permissive Bill. It permits a locality to remove houses which produce immorality, crime, and misery. I want a Bill to allow localities to remove the public-houses, which also produce immorality, crime, and misery. And then I come to the Prime Minister himself. We are all looking forward with intense eagerness to the day when he will bring in the Agricultural Holdings Bill, and that, I understand, is a Permissive Bill. It is only to come into force when people choose that it shall come into force. And last year what did we see? There was a great Bill for reforming the Church, and it is to come into force on the 1st of July. And in it the parishioners are permitted to bully any clergyman they may please who happens to be distasteful to them. That, the great Bill of last Session, is a permissive measure, and on the 1st of next July the aggrieved parishioners will be out on the war path. And is the Government, who supported that Bill, to get up and say—"We condemn the Permissive Bill?" I do not know whether we shall have the old argument that education is a sovereign cure. Well, I was told that when I first brought the Bill in 11 years ago, and you have been educating at high-pressure ever since. It should begin to tell a little, instead of which I prove to you that things are worse to-day than they were 11 years ago. But I do hope that hon. Gentlemen who talk about education being a sovereign cure will tell us how long we are to wait for it and when it is to be effectual. I am sure that if we wait until education cures drunkenness we shall have to wait a long time, and so long as you have a half-educated population, I say that it is a crime to set this temptation before them, and then every Sunday to go to church and say—"Lead us not into temptation." Now, Sir, I suppose the Government will oppose me. I have always observed during rather a long course of observation of Home Secretaries, that nothing rouses them to such a Parliamentary frenzy as the mention of the Permissive Bill. Even Sir George

*Sir Wulfrid Lawson*

Grey used to get excited, and as for Mr. Bruce, his wrath was terrible. And even my right hon. Friend opposite, courteous and good humoured as he is, gets into a species of fury when this terrible measure is brought forward, and calls upon his own party and the whole House to give it its final quietus, which he has not succeeded in doing. But I am anxious to hear to-day what his policy really is on this matter, because I know that he is quite as anxious to promote temperance as I am. There is nothing I hate so much as to be called the "apostle of temperance." [*Laughter.*] The House laughs, but I am not joking. I say that any man who would wish to continue the drunkenness which exists in this country is not a man but a devil. The only difference between me and my hon. Friends on whichever side of the House they sit, is as to the means of doing it. I do hope that nobody, either in ridicule or praise, will call me the "apostle of temperance," any more than my hon. Friend the Member for Derby. But I have hopes of the Home Secretary, because at Whitsuntide he employed himself in the midst of his arduous avocations very usefully, and went down to meet his constituents and lay the foundation stone of a church. He was well received—as I believe he ought to be. There was a promiscuous gathering of all classes and ranks to receive him. There was a volunteer corps, a number of clergymen, a Band of Hope; there were several brass bands playing Moody and Sankey hymns; and the discourse he delivered on that occasion was so good that he will excuse me reading it to the House. He said to his constituents—

"People said, why won't you make laws for the suppression of vice and for the furtherance of virtue? We might make laws, but we could do little in that direction by that means. We could not make laws much in advance at any time of public opinion."

Exactly. That is my Bill, you know.

"And it was the laity of the Church of England and of all other Churches who had to help to form that public opinion which eventually found its expression in the laws of the land. Now he would take, as an instance, the crime of drunkenness. How much, when they went away from that place, would many of them see of drunkenness, vice, immorality, and wretchedness, even throughout that town of Garston? How much of that did they think by their example they could help to put down? A nation was merely made up of families and neighbours.

They might take the husband and the wife, the parent and the child, or the workman and his fellow-workman, and think how much each individual could do to show the drunkard the shame of drunkenness and to make him hate it; show him that, at all events, if he did not hate it that they hated it, and that so long as he continued in that evil course they could not hold out to him the right hand of fellowship that he should otherwise have. They must remember when they talked of the responsibility of the clergy that there were responsibilities of the laity. He would appeal to the wives and mothers of England whether they did not think that by their example and influence they could do much to mitigate the vice, misery, and drunkenness which we at the present moment saw around us."

Is there any man in this House who will say that the present system is kept up by the women and children of this country? You know as well as I do the whole benefit goes to the men, and that the women and children are the sufferers. The right hon. Gentleman may remember that in a weekly London paper, which writes me down, they said long ago that if this question was left to the women of England they would almost unanimously pass this Bill. My right hon. Friend spoke well and feelingly about it; but was his conscience clear? He talked about the husbands, wives, children, and fellow-workmen, but how much has he said to check drunkenness? What has he done for his constituents? Why, last year he opened the public-houses two hours a-day more. To-day, perhaps, he may suggest something. He may perhaps say that although he cannot support this Bill, he will do his best to bring in another Licensing Bill and strike another blow next year. ["No, no!"] Not likely, I know. But I warn him that if he hoists the flag of "No surrender" he will bitterly regret that he has not listened to the voice of those who have asked him to protect his fellow-countrymen in this matter. I know it might be painful to him to bring in a Bill to make an attack on the drinking business, because we know there are many excellent gentlemen, closely connected with it, who would not like to see their gains diminished. But it is a still more painful thing to let the people of this country understand that the law is made for the benefit of one class, and not for the benefit of the whole community. Sir, I had an illustration of what people think upon this matter



when I paid a visit the other day to Sandwich—so admirably represented by my right hon. Friend on the front Opposition bench—and I must say I wonder how such an excellent and good man ever got to represent such a place. I never was in such a place in all my life. I remember a friend of mine told me the story of a man in America who was in the House of Representatives in one of the Western Legislatures, and he was a very drunken man and used to go to the House intoxicated. Somebody on one occasion remonstrated with him, and he said—“Well, the fact is, I am never too drunk to represent my constituency.” Now, that is why I say my right hon. Friend is not in his right place; for if, instead of being a sober and excellent and good man, he was a regular rowdy, he would still be far too good to represent that constituency. It was only the other day I saw, on Her Most Gracious Majesty's birthday, that the ships in the harbour or canal there instead of having their banners flying, as they ought to have done, had them only half-mast high. An inquiry was made why this was done, and it turned out that the men had only had half allowance of beer, proving clearly what is said in many parts of the country is true, that beer is king. I went there once to advocate this little measure of mine, not to do them any harm, but to explain to them that I thought it right that in some places they should be allowed to do without public-houses. But there was a crowd and a great riot when I arrived there. There were sweeps and scavengers, penny whistles and trumpets, and a number of men who declared their devotion to King Beer. They made the greatest tumult and would not allow me to explain my Bill as calmly and with so good a reception as the House has given me to-day. They made such a fearful row that I could hardly speak. At last I called up some of the rioters to the platform and asked them what they had to say. One of those rioters came up three parts drunk, and I said to him—“Now, sir, what have you got to say on this matter.” The man turned and pointed to the great brewer of the place—but I must do him the justice to say that he sat in his place without making any row at all—and said—“What's to become of this gentleman?” Now, when my right hon. Friend gets up do

not let him have in mind the 25 brewers who sit in this House and ask—“What is to become of these Gentlemen?” Do not let him think what is to become of those Gentlemen, but let him think what is to become of the country, and then he will act far more as becomes a statesman. Depend upon it, Mr. Speaker, you may build artisans' dwelling-houses, you may increase the police, you may erect schools, you may lay the foundation stones of churches, and you may even introduce barbarous punishments into the law, but you will have no satisfactory change in the habits of the people so long as, for the sake of filling the pockets of the publican and the Exchequer of the Chancellor of the Exchequer, you thrust unbounded temptations upon the people of the country, leading them to vice, immorality, and crime. I do not, Sir, defend this Bill upon teetotal grounds. Somebody always gets up and says this is a teetotal question. I believe that the teetotalers are very worthy men, and I respect them. They are a trouble to nobody except to the Members of this House, by sending up boundless Petitions. I appeal to this House, as citizens anxious for the wisest and best laws, regardless of what our personal habits may be in this matter. I have known staunch teetotalers in this House, who have gone on platforms and denounced strong drinks, who yet did not vote for people being permitted to protect themselves from these temptations to drunkenness; and, on the other hand, I have known a brewer who has given me great assistance in this House, and who has voted for the Permissive Bill. Sir, I thank the House for having listened to me so patiently. I hope they understand now the object, the principle, and the machinery of this Bill. At a meeting the other day, a licensed victualler said the agitation for this Bill was unhealthy and venal. I must say that, although I have incurred a great deal of ridicule by carrying on this agitation, I am not aware that one of us will gain a half-penny by it; whereas those gentlemen who send out these circulars over and over again tell us that their interest and livelihood are involved in it. A charge of venal motives therefore does not come with a good grace from them. Well, at all events, I am not doing it for venal motives. I do hope that the House will agree with me that this is a

serious case for inquiry and reform. You may again reject this Bill, and I shall not reproach anyone who votes against it in the conscientious belief that temperance is to be promoted by allowing magistrates to force public-houses on reluctant neighbourhoods. You may reject the Bill, and we shall have another year of unchecked steady drinking, misery, crime, immorality, brutality, and pauperism. I ask support only from those who believe that their fellow-countrymen are fitted for local self-government and may be safely entrusted with a power which they can employ for no other purpose than to promote the order, prosperity, happiness, and morality of the community.

MR. ALDERMAN COTTON said, he must deny that the House of Commons wished to encourage drunkenness. He, for one, disliked drunkenness as much as any of the supporters of this Bill, and he thought that the law on the subject showed that the Legislature had always had in view the discouragement of undue temptations to indulgence. But he was opposed to this Bill because it would interfere not only with the private habits of individuals, but with that liberty which constituted the pleasure of life. The hon. Baronet the Member for Carlisle had given an account of what took place at a meeting where he was opposed by persons who were averse to his Bill. He (Mr. Alderman Cotton) had had a somewhat similar experience. He did not consider that teetotalism promoted the amenities of life. He was invited to attend a temperance meeting, and spoke; but the moment he expressed a modified dissent from some of the views put forward he was greeted with groans and hisses, and when he said that he believed Sunday was better observed in this than in any other country in the world, he was hooted in such a manner that not a word could be heard, and an Irishman very frankly told him—"Faith, I wish you had never come at all." With respect to the Bill itself, he had little to add to what had been so well said already on the subject. As to the amusing description of the hon. Baronet of the influences which prevailed at ordinary public meetings, he could imagine the hon. Baronet presiding at a temperance meeting, where the aroma of coffee, the strength of the tea, and the enthusiasm

of those present might produce a not less marked effect than conviviality had upon Tam o'Shanter—"Kings might be blessed, but Carlisle glorious, o'er all the fumes of tea victorious." It might be objected, further, that temperance people were not temperate, as they did not confine themselves even to cold water or tea, but indulged in peppermint, cloves, and other stimulants—

"Ye Gods! what nectar have we here  
Lemonade or gingerbeer,  
Peppermint or spicy clove,  
The drinks of ever mighty Jove!"

He agreed with those who thought that the best means of attaining the object in view was to promote an improvement in the character of the people of this country by moral and educational means. He did not think there was any necessity for Parliament to interfere in the way it was called upon to do. In conclusion, he thought the hon. Baronet the Member for Carlisle had no more right to call upon the House to prevent a working man from having a glass of beer than they had to pass a Bill to compel him to drink brandy; and he should therefore give his cordial vote against the Bill.

MR. KNATCHBULL-HUGESSEN said, that during the many years he had been in Parliament he had always voted against the "Permissive Prohibitory" Bill, but had never deemed it necessary to trouble the House with his reasons for doing so. If he now broke silence it was entirely owing to the action of his worthy and eccentric Friend the hon. Baronet the Member for Carlisle. Impelled by the restless activity of his nature and his ardent desire to prevent everybody from drinking any thing of a stimulating character, the hon. Baronet, as he had informed the House, had recently quitted his northern home and paid a visit to the shores of Kent. Why he should have selected Sandwich for the scene of his operations, he (Mr. Knatchbull-Hugessen) could not tell. So, however, it was, and that ancient town, in which from time immemorial people had drank their beer and been all the better for it, was startled out of its propriety by the appearance of this perambulating advocate of an irritating and irksome restriction. The hon. Baronet had suppressed part of the succeeding narrative which he (Mr. Knatchbull-Hugessen) was bound to supply. He was informed



upon credible authority, that some of his constituents were so much astonished at the appearance of his hon. Friend that they prepared to give him practical proof that there was cold water as well as beer in Sandwich, by subjecting him to summary immersion in the canal. He (Mr. Knatchbull-Hugessen) must offer, on behalf of his constituents, an apology to the hon. Baronet, for the treatment with which he had been threatened. He was sure the hon. Baronet would pardon it the more readily, inasmuch as his constituents had tempered their zeal with discretion, and mixed mercy with their justice; for, as the canal was deep and the bank steep, he understood that ropes and ladders were in readiness upon the spot, to avoid the possibility of a fatal termination to the career of his hon. Friend. He had, however, fortunately escaped to an adjoining school-room in which he held a quiet meeting, and revenged himself by a hostile criticism of his (Mr. Knatchbull-Hugessen's) Parliamentary conduct upon the question now before the House. What he said, he (Mr. Knatchbull-Hugessen) knew not, for having written to him respecting certain statements imputed to him, he had replied that he had never made them. In the course of the correspondence which followed, his hon. Friend had invited him to come down and discuss the question at Carlisle, but as he (Mr. Knatchbull-Hugessen) was not fond of going where he had no earthly business to go, he had replied that he would state his objections to the Permissive Bill in the proper place for a Member of Parliament—namely, upon the floor of the House of Commons. At that hour he would not attempt to go at length into the question; but he would state as briefly as he could some half dozen objections to the Bill, each of which appeared to him to be conclusive against it. First, however, he would protest against the assumption by the hon. Baronet and his followers of a monopoly of virtue, or of that particular virtue which led men to desire that others should be sober and temperate. He (Mr. Knatchbull-Hugessen) and those who thought with him, were just as much alive to the evils of drunkenness as the supporters of the Bill. They only differed as to the manner in which those evils should be subdued. His hon. Friend said—"Excess of drink causes evil to the people, therefore shut up the public-

houses and let nobody have anything at all to drink." In fact, his argument went to this—that you should remove temptation from the people. But drink was not the only temptation. Two days ago, whilst talking to his hon. Friend he had observed that he had on a very nice gold watch-chain. He did not know whether he had it still, as he had observed that in the interval he had attended a crowded meeting of teetotallers, and possibly the principle of his own Bill might have been applied to him and his power of tempting people to steal removed. But, whilst he had it, and openly displayed it, he directly tempted the cupidity of his fellow-creatures, and to be consistent he should forbid portable property of value to be thus displayed and carried about. The fact was, that his hon. Friend would find the task endless and hopeless, if he intended to remove temptation from human nature. They were told on high authority to "resist the devil and he will flee from you," but his hon. Friend proposed to abolish the devil altogether, which he would find somewhat difficult. The truth was that we never could remove temptation from human nature, but what we might do and should aim at was to improve and strengthen human nature so that it might be better able to resist temptation. Now, let him state some of the main arguments against the Bill. In the first place, it was subversive of all the principles upon which England and most other civilized countries had been governed for many centuries. Among savage tribes, and with men in a primitive state, no doubt actual majorities made laws and imposed them upon the minority. But as nations increased in number and intelligence, they found it better to entrust the making of their laws to representative bodies. So in England Parliament made laws which the people obeyed, and the administration of these laws was entrusted to a limited executive. But this Bill would reverse this system, and revert to the old plan, and yet do so in a clumsy and imperfect manner. The ratepayers were not synonymous with the people, and it would be quite possible that two-thirds of the ratepayers might be the minority of the population in any given area. But if two-thirds of the ratepayers were to be the best judges upon this particular question, why not upon other

*Mr. Knatchbull-Hugessen*

questions of a social and political character? It was impossible that they could stop at this particular point, if they once admitted the principle. He (Mr. Knatchbull-Hugessen) remembered that he had given an answer to the first deputation which, years ago, had waited upon him upon this question, which answer had since been given by greater men, and was now familiar to the House. He had said—

“If your principle is good for anything, you must carry it further. You say that you desire to free the people from a poison which injures their bodies. But there are moral poisons which injure the soul. If the ratepayers are to close the public-houses, why may not they close the Roman Catholic chapels, where a majority of two-thirds of Protestants can be found; and in Ireland why may not the similar majority of Roman Catholics close the Protestant churches?”

And let them remember that in each case those majorities would believe—and honestly believe—that they were preventing the diffusion of a moral poison as pernicious to the welfare of the souls of the people as excess of drink was to their bodies. But if you carried out the principle you would soon bring Government to a dead-lock, and all would be inextricable confusion. Well, then, another objection to the Bill was this, that it would be adopted just in the places where it was least wanted. Where the habits of the people did not lead them to frequent public-houses, the Act might be adopted; but where the contrary was the case, and where most drinking prevailed, the requisite majority would never be obtained. Then, again, it would operate unequally. Take Sandwich, for instance. His hon. Friend would probably now be of opinion that there was little chance of his Act ever being adopted there. But close by Sandwich was the village of Eastry, recently declared a “populous place,” and under the immediate wing of the hon. Member for Gateshead (Mr. James) a devoted supporter of the Bill. Suppose he should persuade two-thirds of the ratepayers of Eastry to adopt this Act. What would be the consequence? The drinking portion of Eastry would come down to drink in Sandwich, and if there were evils in that town in consequence of drink, they would thereby be increased. Moreover, the Bill was incomplete and illogical. It made it a crime to sell liquor in certain cases, but

not to buy it; so that anybody might freely buy beer in Sandwich and give it away for private drinking in Eastry. And it left the manufacture of the article untouched, whereas if it was wrong to sell and consume it, they ought surely to declare that it was wrong to make it at all! Then there was the old argument that this would be class legislation. He (Mr. Knatchbull-Hugessen) disliked clap-trap phrases; but this much was certainly true, that whilst the rich man, who had his club, and who could store large quantities of wine and beer in his house, would escape the operation of this Act; the persons who would feel it would be the poor men who could get their drink nowhere else but at the public-houses. Then this legislation would produce illicit distillation, and smuggling, and as a matter of fact we should have just the same things going on as at present, only they would be done furtively and secretly, instead of, as now, openly and under proper regulation. One more objection to the Bill was this—that it would afford one more subject for agitation, and that agitation would undoubtedly take place from one end of the country to the other. The truth was, that from first to last, the advocates of this measure confounded the use with the abuse of liquor. Take other instances. People blew themselves up occasionally with gunpowder, and therewith wars were waged and great misery inflicted upon nations. But would the hon. Baronet therefore forbid the use of gunpowder for the many useful purposes for which it was employed by mankind? Take another instance. Litigation was a thing which had ruined hundreds and thousands. Would the hon. Baronet therefore close the Courts, imprison the lawyers, and have no more law in the country? He did not wish to detain the House longer, but the hon. Baronet had blamed him (Mr. Knatchbull-Hugessen) elsewhere, though not in that debate, for having remarked that with regard to licensing measures, he advocated consulting the brewers and licensed victuallers. What he had said he would frankly and boldly repeat. The licensed victuallers, rightly or wrongly, had been placed by Parliament in this position—that under a legal system of regulated monopoly, they had to guide and maintain the liquor traffic. He thought therefore that it had always been a gigantic mistake to consider



them, as some legislators had appeared to do, as if they were public enemies, and that in bringing forward measures affecting their trade—a trade in which £120,000,000 of capital were embarked—it would have been well to consult, not those who were the advocates of restriction and the declared enemies of the trade, but those who were conversant with its organization, and who might be able to advise as to the manner in which necessary restrictions and proper supervision might be secured with the least possible interference with a legitimate trade, and the smallest possible amount of public inconvenience. It was most desirable, no doubt, that only fit and proper houses should be licensed for the sale of intoxicating liquors, and that only fit and proper persons should be entrusted with the traffic. If the House desired to diminish the evils of drunkenness in the country, they must proceed by other agencies than those which alone appeared to suggest themselves to the mind of the hon. Member for Carlisle. They would never effect their purpose by sudden and impulsive action, by coercive legislation, or by harsh restrictions which were not in consonance with the feelings of the general community. The work must be done gradually and cautiously. They must endeavour to elevate the physical and moral condition of the classes among whom the evils of drunkenness principally prevailed. The progress of the educational movement—in spite of the slighting tone in which it had been spoken of by the hon. Member for Carlisle—would do something, but there was more that might be done. Improvement of the dwellings of the operative classes, so that a man might not have to seek in the public-house that cleanliness and decency which he ought to find at home—this was one point of importance. Another was the providing of innocent recreations for the people, so that the poor man might learn some higher notion of pleasure than that of drowning his cares in beer, and find some other place than the tap-room in which he might enjoy social amusement and friendly conversation. But, after all had been done, evil would remain as long as human nature remained what it was, even if every public-house in England could be closed at once and never opened again. You could not cut down drunkenness like a tree, but

you might do much to mitigate the evil. Punish the drunkard if you would, and consider drunkenness as an aggravation of crime instead of an excuse for it, as had too often been the case. Guide, instruct, elevate as you would; but the public opinion of this country would never allow you to punish the abuse of liquor by one man in 1,000 by forbidding its use to the other 999. The attempt to do so would inevitably fail, and if this Bill were carried it would create evasion and deception, and would ultimately be followed by a revulsion of feeling which would increase ten-fold the evils against which it was aimed. It would fail because it was unwise and unjust; it would fail because its operation would be unequal and oppressive; above all, it would fail because both in its conception and its execution it was opposed to the thoughts, the feelings, the traditions, and the character of the English people.

MR. SULLIVAN: I support the measure before the House because I consider it to be a moderate proposal for dealing with a gigantic evil. When first I heard of this measure, some years ago, I withheld my support until I had heard speeches for and against it. I have heard speeches on the Permissive Bill, and I say that I have been made a determined supporter of the Permissive Bill by those speeches which have been made against it in this House and elsewhere. I am sorry, Sir, that I cannot indulge in the compliments which usually pass across the Table between the friends and foes of the Bill, because I charge against the opponents of the measure, and especially against the hon. Member for Leeds (Mr. Wheelhouse), the greatest insincerity and inconsistency. I do not find any consistency in any speech which has been made against the Bill. The hon. Member for Leeds said, in the course of his speech, that the public-house was the poor man's cellar. But does he believe it is the poor man's cellar? No, for if he does he would give him the same access to it as the rich man, and not shut it up at 12 o'clock at night. Are you sincere, honest, and consistent in arguing as you do, and opposing the Maine Law when you have a Maine Law of your own during 8 out of every 24 hours? During the debates on the Public-house Bills, I heard no argument to show why public-houses

should be closed at 1 o'clock in the morning any more than they should be closed at noon-day. Rich men can have their drink at 1 o'clock in the morning, and if the public-house is the poor man's cellar, why cannot the poor man also have his beer at 1 o'clock in the morning? Why does not the hon. Member for Leeds stand up in his place and say that the poor man should have access to his cellar as well as the rich man, and at all hours? He does not do so because he has not the courage of his convictions; and I say he is inconsistent. Again, the hon. Gentleman the Member for Rochester is guilty of the grossest inconsistency, as I have seen him constantly voting for prohibition. [Mr. GOLDSMID: No, certainly not.] I am very much mistaken if I have not seen the hon. Gentleman again and again during the discussion on the Liquor Bill vote upon the question of limiting the hours during which the public-houses should be open. [Mr. GOLDSMID: I invariably voted for the longest hours.] If the hon. Gentleman wishes to be considered consistent, he should vote for making the trade entirely free. And here is another anomaly—those who oppose prohibition practise it. Recently in Dublin, in a district where there was no public-house, the licensed victuallers feed counsel to prevent a man, if possible, from getting a licence when he applied for it. What is that but carrying out the provisions of the Permissive Bill? Amongst themselves, in their own selfish interests, the publicans carried out prohibition; but where it is to be not by themselves, but by the people in the interest of the public, the licensed victuallers brought all their force to bear to prevent the Permissive Bill from being passed into law. But Parliament, too, is not consistent. It is admitted that the liquor traffic must be regulated, and if regulated, is it the public convenience, or the licensed victuallers' which is to be studied? Seek to disguise it as you may by all these arguments—I can scarcely call them such, but I do not like to call them "pretences"—your whole object is to prevent the working classes of this country getting their hands upon this traffic to raise themselves out of their misery. [*Cries of "Oh, oh!" and "No, no!"*] Whoever cries "No," and "Oh," let him trust the people—let him trust to the votes of the people. I

charge this, and I say there is a silent proof of the progress of the views I am expressing in the debate this afternoon. We have heard less of the arguments which used to be used, about the publican being the friend of the working man, and the people being in favour of the publican. I also notice that the tide is rising in our own colonies. Wherever the people have raised themselves to what is called popular Government—whether in Australia or Canada or the United States—people are getting their hands upon this traffic, and are endeavouring with might and main to suppress it; and as the people attain to power in England so will the publicans' supremacy come to an end all over the land. And I cannot help offering upon this question my protest against the conduct of the Government, especially in so far as the Bill applies to Ireland. A majority of nearly 2 to 1 of the Irish Members are in favour of the Bill. The Irish Solicitor General the other night, when a certain constitutional question was under discussion, invited Irish Members to direct their attention to moral questions. Well, this is a moral question on which Irish Members are substantially united; and when we ask to have our magistrates and Judges taken at their word, and to be allowed to free ourselves from a great evil, this House, in which the popular liberties have been abridged, insist upon our retaining institutions for manufacturing criminals and filling gaols.

SIR HENRY SELWIN-IBBETSON said, he had hoped that the speech of his right hon. Friend the Home Secretary last year might have had some effect on the hon. Baronet the Member for Carlisle, and convinced him, as he had taken the sense of the new Parliament on the question, that it would be well not to force on the House of Commons annual repetitions of these debates. Again, judging from a speech which the hon. Baronet made the other day, it would appear that his own hopes of success were so small as to induce him to carry out that object. For he found the hon. Baronet stating that probably the measure which he advocated would not become law in the lifetime of any of those whom he addressed.

SIR WILFRID LAWSON denied he had ever made use of any such expression. The hon. Baronet was quoting



from the observations of another speaker.

SIR HENRY SELWIN-IBBETSON said, he was sorry he had misrepresented the hon. Baronet, but could assure him he had not intended to do so. Turning, then, to the main question, he would say that the arguments against the Bill were plain and simple, and were fully and explicitly stated in the speech of the hon. and learned Gentleman the Member for Sheffield (Mr. Roebuck). That hon. and learned Gentleman had, in a few words, placed before the House all the faults of the measure, and his (Sir Henry Selwin-Ibbetson's) own belief agreed with that of the hon. and learned Gentleman—that it was neither a wise, a useful, nor a practical proposal. No doubt the hon. Baronet the Member for Carlisle thought that if Parliament accepted this measure it would add to the temperance of the country, but the sobriety of the country was not to be promoted by enforcing it even where a majority was in its favour. On the contrary, the effect of that would be to drive the inhabitants of those localities who wished to indulge in the use of intoxicating drinks into neighbouring places where no such prohibition was in force. It was clear that the measure would not produce that amount of sobriety which was expected from it. The same people who drank now would find the means to drink even should the Bill become law, and thus in passing it Parliament would not do anything to aid or promote the cause of temperance. In stating this he wished the hon. Baronet to believe that those who opposed that day, and had always opposed his measure had as anxious a wish as he himself had to see drunkenness done away with, and the only question in dispute between them was as to the best method by which that could be accomplished. Now what was the history of the question? There were some who considered that to throw the trade entirely open would be the proper panacea of the evil. The number was very limited. Then there were others who followed the hon. Baronet in this crusade against public-houses, and their number, he was inclined to think, was also limited. Then there was the large portion of the population which had always recognized the liquor traffic as a necessity, and that the proper mode of dealing with it was by regulation.

*Sir Wilfrid Lawson*

Every Government that had hitherto undertaken to deal with it had followed that view of the case. The whole tone of legislation on the subject was to the effect that, admitting public-houses to be a necessity, the State should interfere and regulate them so as to guard against their abuse. Lord Aberdare had legislated in that spirit, and the Bill of his right hon. Friend the Secretary of State for the Home Department had been in the same direction. The hon. Baronet had quoted some statistics; but he did not place much reliance upon them, as they did not come before him with a trustworthy sound. The hon. Baronet had referred to the 348,000 convictions for drunkenness which had taken place in the course of a year; but even allowing it to be true, it did not represent a correct estimate of the arrested persons, for he omitted to explain that in that total there were included repeated convictions of the same offender, in some instances, he regretted to say, 30 and 40 times over. But even supposing the number represented so many individual drunkards, he would ask the hon. Baronet if he considered the existence of 348,000 drunkards a large proportion of a population of upwards of 21,000,000 of people. For his own part, he did not think it was by any means a large percentage, nor did he think it either wise or prudent to endeavour to restrict the large majority of the people in the reasonable use of intoxicating drinks because there were a few who were not able to control their own acts. He believed that by promoting such measures as the Artizans Dwellings Bill, so as to secure better houses for the working people, and by improving the education of the young of both sexes, they were working for the very proper results which the hon. Baronet had in view. In pursuing that policy they were, he believed, doing that which would produce those good results; whereas if they endeavoured to bring them about by a process of coercion they would produce disorder and confusion, and indefinitely postpone the object which the hon. Baronet had so much at heart. For instance, he would ask the House to try and imagine the confusion which would ensue if it were left to two-thirds of the ratepayers in any locality to decide whether there should be a public-house allowed within it or not. There would

be a constant canvassing going on and constant altercation; and the three years during which the prohibition was in force, if they succeeded, would be made use of in efforts to reverse the policy. There was another point he wished the House to consider. The great object of Parliament hitherto had been to bring into the trade men of respectability possessed of a large amount of capital, so that it would be their interest to keep their houses in the best possible order; whereas if they adopted a system under which a man might be allowed to open a public-house to-day, and to-morrow find it swept away by the decision of two-thirds of the ratepayers, how would they, he wished to know, be able to get into the trade that amount of capital and respectability which they desired? In that way, they would lose the surest guarantee for the trade being properly conducted. Again, he objected to the ratepayers being considered the representatives of the population. They were only about one-fifth of the whole population, and they were not, and could not be, the exponents of the wishes of the whole body of the people. Besides, the ratepayers were men who had not the same necessity to be supplied from the public-house with the beverages which the mass of the people required, inasmuch as they had them stored in their own homes, and the result would be the tyrannical imposition of their ideas upon the subject upon those who did and might require them. For these reasons he should oppose this Bill as he had done on previous occasions. He would now refer to the argument of the hon. Member for Louth (Mr. Sullivan), in which he stated the House was afraid to trust the people in this matter. That argument went a good deal further. The whole history of Government in this country was that the people delegated their power to their Parliamentary Representatives, and acquiesced in the laws which they made on their behalf, and was the House now to hand that power back to them and allow the inhabitants of each locality to legislate for themselves. That was not, in his opinion, a wise policy for them to adopt. He believed the Bill would be resisted by the Representatives of the people for even a longer period than had been stated in the speech to which reference had been made. It was repugnant to

the whole history of our legislation; and, in conclusion, he trusted the decision of the House would be a repetition of the decision it had arrived at before, and that the hon. Baronet would, for the future, devote his brilliant talents to the furtherance of measures which would bring and create among the people the feeling of self-restraint.

MR. MACDONALD said, that last year he felt it his duty to oppose the Bill of the hon. and genial Member for Carlisle (Sir Wilfrid Lawson), and he should do so on the present occasion, although he saw a considerable improvement in the debate, inasmuch as they had not had the American experience trotted out for their admiration—inasmuch as it was now admitted that prohibitory legislation had not proved beneficial in that country. His opposition to the Bill was based on entirely different grounds from those stated by previous speakers. He opposed it on the ground that it was asking Parliament to do that for the people which the people could, if they pleased, do for themselves. They could be sober if they pleased, without being forced to be so, and had the matter entirely in their own hands. They had been told about what had been done by the people of Seghill and Saltaire, and he did not find fault with them for it, but would say to those who admired them for it to go and do likewise, and to leave alone those who did not. They had heard from the hon. and learned Gentleman the Member for Sheffield (Mr. Roebuck) that he had been informed that a fund of £100,000 had been subscribed for getting up Petitions on this question. He believed that that was the case, but he would ask those who had contributed to that fund to apply it in the employment of popular advocates who might go about the country teaching the people the advantages of self-reliance instead of binding them up in the swaddling clothes of a Permissive Bill. The people had already contributed millions towards the establishment of co-operative societies and other social organizations, and if they were only let alone, more sobriety and good order would be got out of them by their own voluntary action than could be secured by the passing of this measure. He hoped, therefore, the House would reject the Bill, and that, too, by such a majority as would tell its advocates that



they must seek to carry out their objects by the agencies he had pointed out rather than by Parliamentary interference. Public-houses would not exist if the people did not want them, and this was not the way to get rid of them. If they did not want them, it would be as just to pass a law to compel them to go into them as it would be to pass the Bill to shut the public-house door in their face when they did require the accommodation which it afforded them. The hon. Baronet had spoken of a certain amount of drunkenness in Edinburgh and Glasgow. Well, what did that prove? Why, it simply showed that in Scotland they had been legislated to death on this question of the liquor traffic. A public-house in Scotland could not open before 8 o'clock in the morning, and it must be closed at 11 o'clock at night, while on Sundays it was not allowed to open at all. The result was that there was a great deal of private drinking carried on. He regretted to have to say, but it was well the House should know it, that he had seen more drinking in a village of 1,000 inhabitants in Scotland, under its restrictive law, than he had seen in London with its 4,000,000 of inhabitants. If they wished the people to be improved let them open museums, so that the people might go there. Let them open their picture galleries, so that they could go there. Let institutions in connection with the Arts and Sciences be placed in all their great cities, and then they would voluntarily emancipate themselves, and when they had emancipated themselves they would stand erect in their own virtue, and would not be bound up in the swaddling clothes of a Bill called permissive, but which he looked upon as being tyrannical.

MR. BURT: I shall not at this hour, when hon. Members are evidently so anxious to go to a division, detain the House more than a very few minutes. Indeed, I should not have spoken at all but for an observation or two which fell from the hon. and learned Gentleman who moved the rejection of the Bill (Mr. Wheelhouse). While admitting, as he could not but do, the vast number of Petitions which had been presented in favour of the Permissive Bill, he said it was a very easy matter, with a good organization and a free expenditure of money, to obtain any number of signatures in favour of any-

thing. If that be so, why have not the licensed victuallers and publicans loaded the Table of the House with Petitions against the Bill? It will not be contended that it is because they are indifferent to the passing of the measure, for that we know is not the case; nor will it be argued that they are too poor or too weak, for they boast that they are the wealthiest trade in the country, and we know that their organization is of the completest kind. The only conclusion, therefore, to which we can come is, that they do not petition because the people will not sign their Petitions so readily as the hon. and learned Member for Leeds would wish us to believe. I believe a large number of the most active and most intelligent of the working classes of the country are in favour of this Bill. I know that many of the Petitions from my own neighbourhood are signed by working men, for I have examined them carefully; and I know further, that the persons who have interested themselves in obtaining these signatures are working men, who, after a laborious and exhausting day's work, and at considerable personal trouble and inconvenience, have canvassed for signatures in favour of the Bill. And it is an unworthy and altogether undeserved imputation on the character of these men to suggest that their unbought, and I may add their unpurchasable services, have been secured by the payment of money. The hon. and learned Member said he questioned whether there were half-a-dozen men who signed these Petitions who did not themselves drink beer. From the confident manner in which he spoke he seemed to believe that no one could exist, much less perform hard work, without intoxicating drink. Well, Sir, that is a great mistake. If I may, without presumption, refer to my own experience, I may inform the House that from the time I was 10 years of age until I was 28 I worked as a coal miner, a kind of employment which is generally acknowledged to be of the most arduous nature, and all the hard physical labour I ever performed was done without intoxicating liquors of any kind. Nor is my experience at all singular in this respect. There are tens of thousands of working men in all branches of trade who work every day without beer, and if we may take their word for it, they are unanimous in their testimony that they can

perform their work, not simply as well, but much better without the drink than with it. But, Sir, this is not a temperance question. It is a question of whether or not the inhabitants of a locality should have a voice in deciding if they will have public-houses, or that magistrates and landowners should decide that for them. There are about 2,000 parishes in the United Kingdom in which, by the will of the landlord, no public-houses exist. If these houses are such a blessing, and are really, as so many Members say, a public necessity, I join my hon. Friend the Member for Carlisle in asking why the Government does not make some provision for these unfortunate districts? Reference has been made by the hon. Member for Carlisle to Seghill Colliery, and as I am well acquainted with the circumstances of the case, the House, impatient as it naturally is at this hour, will perhaps allow me to briefly refer to the subject. My hon. Friend, I think, did the proprietor of the colliery in question more than justice when he attributed his conduct in closing the public-houses of the village altogether to benevolent motives. ["Oh, oh!"] Well, I am quite willing to allow the gentleman referred to as as high ground as he claimed for himself at the time. I accompanied the workmen on the deputation to him when the suggestion to close the public-houses was made. He said he received certain pecuniary advantages from these houses, but, on the whole, when he took into consideration the loss of work caused by drinking, he questioned very much whether he was at all benefited by such property. He had been told, he said, that a large number of the workmen were anxious to have the public-houses closed, and if the feeling of the men could be fairly tested, and he found a large majority in favour of abolishing the public-houses, he would shut them up altogether. When the vote was taken there were, I believe, seven to one in favour of abolishing the public-houses. These houses were, therefore, shut up, and Seghill was all the better for it. It is, indeed, I must admit, contended by some that the village is now again as bad as ever. ["Hear, hear!"] Yes, Sir, that may be, but why is this? The fact still remains that the people when appealed to deliberately gave their verdict against the public-houses, and Seg-

hill is not worse because the people cannot get drink, but because, in spite of the best intelligence and the highest moral sense of the community, beer-houses have been opened out in another part of the village instead of the public-houses. My hon. Friend the Member for Stafford (Mr. Macdonald), who has just addressed the House, has told us that the hon. Member for Carlisle had this year taken new ground in advocating his Bill. I may remind my hon. Friend that he, too, has taken new ground in attacking it. Last Session he opposed it because he said it was an arbitrary and tyrannical measure; but before he sat down he told us that if it had been a Maine Law to sweep away the drink altogether he would have supported it. That may be quite consistent. It seems to me at least just as consistent as the position which he and other hon. Members have taken to-day in considering it a right and proper thing for landowners and employers of labour by their own will to sweep public-houses away, and yet to refuse to the people who suffer and pay the cost the right for a voice in a matter which so deeply concerns them. We have just been told that this is a working man's question. I ask my hon. Friend the Member for Stafford, who has so often rendered such good service to the working classes, and I ask other hon. Members who profess to have an earnest desire to protect and take care of their interests, to show their confidence in and their respect for the working men, by allowing them to say for themselves whether or not they want beer, rather than to have it forced upon them when they do not want it, and to be prevented from obtaining it when perhaps they would like to have it.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 86; Noes 371: Majority 285.

Words added.

Main Question, as amended, put, and agreed to.

Second Reading put off for three months.

AYES.

Allen, W. S.	Birley, H.
Balfour, Sir G.	Brocklehurst, W. C.
Bazley, Sir T.	Brogden, A.
Biggar, J. G.	Brown, A. H.

Burt, T.  
 Callender, W. R.  
 Cameron, C.  
 Carter, R. M.  
 Chadwick, D.  
 Chambers, Sir T.  
 Close, M. C.  
 Cole, H. T.  
 Conyngham, Lord F.  
 Corry, J. P.  
 Cowan, J.  
 Cowen, J.  
 Crossley, J.  
 Dalway, M. R.  
 Davie, Sir H. R. F.  
 Davies, D.  
 Davies, R.  
 Dease, E.  
 Downing, M'C.  
 Fletcher, I.  
 Fordyce, W. D.  
 Gourley, E. T.  
 Grieve, J. J.  
 Harrison, J. F.  
 Havelock, Sir H.  
 Holland, S.  
 Hughes, W. B.  
 James, W. H.  
 Jenkins, E.  
 Kenealy, Dr.  
 Kinnaird, hon. A. F.  
 Laing, S.  
 Leith, J. F.  
 Leslie, J.  
 Lewis, C. E.  
 Lloyd, M.  
 Lush, Dr.  
 Lusk, Sir A.  
 Macgregor, D.  
 Mackintosh, C. F.  
 M'Arthur, A.  
 M'Arthur, W.

M'Combie, W.  
 M'Laren, D.  
 Maitland, J.  
 Monck, Sir A. E.  
 Montagu, rt. hn. Lord R.  
 Moore, A.  
 Morgan, G. O.  
 Morley, S.  
 Mundella, A. J.  
 Noel, E.  
 O'Clery, K.  
 O'Neill, hon. E.  
 O'Reilly, M. W.  
 Parnell, C. S.  
 Potter, T. B.  
 Reed, E. J.  
 Richard, H.  
 Richardson, T.  
 Sinclair, Sir J. G. T.  
 Smith, E.  
 Smyth, R.  
 Stuart, Colonel  
 Sullivan, A. M.  
 Talbot, C. R. M.  
 Tracy, hon. C. R. D.  
 Hanbury-  
 Trevelyan, G. O.  
 Trevor, Lord A. E. Hill.  
 Waddy, S. D.  
 Wallace, Sir R.  
 Ward, M. F.  
 Whalley, G. H.  
 Whitwell, J.  
 Whitworth, B.  
 Whitworth, W.  
 Wilson, C.  
 Young, A. W.

## TELLERS.

Johnston, W.  
 Lawson, Sir W.

## NOES.

Adam, rt. hon. W. P.  
 Adderley, rt. hon. Sir C.  
 Agnew, R. V.  
 Allen, Major  
 Allsopp, C.  
 Allsopp, H.  
 Amory, Sir J. H.  
 Anderson, G.  
 Arkwright, A. P.  
 Arkwright, F.  
 Arkwright, R.  
 Astley, Sir J. D.  
 Bailey, Sir J. R.  
 Barclay, A. C.  
 Baring, T. C.  
 Barrington, Viscount  
 Barttelot, Sir Walter B.  
 Bass, A.  
 Bass, M. T.  
 Bates, E.  
 Bateson, Sir T.  
 Bathurst, A. A.  
 Beach, rt. hn. Sir M. H.  
 Beach, W. W. B.  
 Beaumont, W. B.  
 Bective, Earl of  
 Bennett-Stanford, V. F.

Bentinck, G. C.  
 Bentinck, G. W. P.  
 Beresford, Lord C.  
 Beresford, Colonel M.  
 Bolckow, H. W. F.  
 Boord, T. W.  
 Booth, Sir R. G.  
 Bourke, hon. R.  
 Bousfield, Major  
 Brassey, H. A.  
 Bright, R.  
 Bristowe, S. B.  
 Broadley, W. H. H.  
 Brooks, W. C.  
 Bruce, rt. hon. Lord E.  
 Bruce, hon. T.  
 Bruen, H.  
 Brymer, W. E.  
 Buckley, Sir E.  
 Bulwer, J. R.  
 Butler-Johnstone, H. A.  
 Cameron, D.  
 Campbell, C.  
 Cartwright, F.  
 Cartwright, W. C.  
 Cave, rt. hon. S.  
 Cave, T.

Cavendish, Lord F. C.  
 Cawley, C. E.  
 Cecil, Lord E. H. B. G.  
 Chapman, J.  
 Charley, W. T.  
 Childers, rt. hon. H.  
 Christie, W. L.  
 Churchill, Lord R.  
 Clifford, C. C.  
 Clifton, T. H.  
 Clive, hon. Col. G. W.  
 Clive, G.  
 Clowes, S. W.  
 Cobbett, J. M.  
 Cobbold, J. E.  
 Cochrane, A. D. W. R. B.  
 Cole, Col. hon. H. A.  
 Colebrooke, Sir T. E.  
 Collins, E.  
 Coope, O. E.  
 Corbett, Colonel  
 Corbett, J.  
 Cordes, T.  
 Cotes, C. C.  
 Cotton, Alderman  
 Cowper, hon. H. F.  
 Cross, rt. hon. R. A.  
 Cubitt, G.  
 Cuninghame, Sir W.  
 Cust, H. C.  
 Dalkeith, Earl of  
 Dalrymple, C.  
 Davenport, W. B.  
 Denison, C. B.  
 Denison, W. E.  
 Dickson, Major A. G.  
 Dilke, Sir C. W.  
 Disraeli, rt. hon. B.  
 Dodson, rt. hon. J. G.  
 Drax, J. S. W. S. E.  
 Duff, M. E. G.  
 Duff, R. W.  
 Dundas, J. C.  
 Dyke, W. H.  
 Dyott, Colonel R.  
 Eaton, H. W.  
 Edmonstone, Admiral  
 Sir W.  
 Egerton, hon. A. F.  
 Egerton, Adm. hon. F.  
 Egerton, hon. W.  
 Elcho, Lord  
 Elliot, Sir G.  
 Elphinstone, Sir J. D. H.  
 Emlyn, Viscount  
 Errington, G.  
 Eslington, Lord  
 Estcourt, G. B.  
 Evans, T. W.  
 Ewing, A. O.  
 Fawcett, H.  
 Fellowes, E.  
 Fielden, J.  
 Finch, G. H.  
 Fitzwilliam, hon. C.  
 W. W.  
 Floyer, J.  
 Foljambe, F. J. S.  
 Folkestone, Viscount  
 Forester, C. T. W.  
 Forster, Sir C.  
 Forster, rt. hon. W. E.  
 Forsyth, W.

Foster, W. H.  
 Fraser, Sir W. A.  
 French, hon. C.  
 Freshfield, C. K.  
 Gallwey, Sir W. P.  
 Galway, Viscount  
 Gardner, J. T. Agg-  
 Gardner, R. Richard-  
 son-  
 Garnier, J. C.  
 Gibson, E.  
 Gilpin, Colonel  
 Goddard, A. L.  
 Goldney, G.  
 Gordon, rt. hon. E. S.  
 Gordon, W.  
 Gorst, J. E.  
 Gower, hon. E. F. L.  
 Grantham, W.  
 Greenall, G.  
 Greene, E.  
 Gregory, G. B.  
 Grey, Earl de  
 Grosvenor, Lord R.  
 Gurney, rt. hon. R.  
 Hall, A. W.  
 Hamilton, I. T.  
 Hamilton, Lord G.  
 Hamond, C. F.  
 Hanbury, R. W.  
 Hankey, T.  
 Hardcastle, E.  
 Hardy, rt. hon. G.  
 Hardy, J. S.  
 Hartington, Marq. of  
 Harvey, Sir R. B.  
 Hay, rt. hon. Sir J. C. D.  
 Hayter, A. D.  
 Heath, R.  
 Helmsley, Viscount  
 Henley, rt. hon. J. W.  
 Hermon, E.  
 Hervey, Lord F.  
 Heygate, W. U.  
 Hick, J.  
 Hildyard, T. B. T.  
 Hill, A. S.  
 Hodgson, K. D.  
 Hodgson, W. N.  
 Hogg, Sir J. M.  
 Holford, J. P. G.  
 Holland, Sir H. T.  
 Holmesdale, Viscount  
 Holms, J.  
 Holms, W.  
 Holt, J. M.  
 Hood, Capt. hn. A. W.  
 A. N.  
 Hope, A. J. B. B.  
 Horsman, rt. hon. E.  
 Howard, hon. C. W. G.  
 Hubbard, rt. hon. J.  
 Hunt, rt. hon. G. W.  
 Isaac, S.  
 Jackson, H. M.  
 Johnson, J. G.  
 Johnstone, Sir F.  
 Jolliffe, hon. S.  
 Jones, J.  
 Karslake, Sir J.  
 Kavanagh, A. MacM.  
 Kennard, Colonel  
 Kennaway, Sir J. H.

Kingscote, Colonel  
Kirk, G. H.  
Knatchbull, Sir W.  
Knatchbull-Hugessen,  
rt. hon. E.  
Knightley, Sir R.  
Lacon, Sir E. H. K.  
Lambert, N. G.  
Lawrence, Sir J. C.  
Learnmonth, A.  
Lee, Major V.  
Lefevre, G. J. S.  
Legard, Sir C.  
Leigh, W. J.  
Leigh, Lt.-Col. E.  
Lennox, Lord H. G.  
Lindsay, Col. R. L.  
Lindsay, Lord  
Lloyd, S.  
Lloyd, T. E.  
Locke, J.  
Lopes, H. C.  
Lopes, Sir M.  
Lowther, hon. W.  
Lowther, J.  
Macartney, J. W. E.  
Macdonald, A.  
Macduff, Viscount  
MacIver, D.  
Mahon, Viscount  
Maitland, W. F.  
Majendie, L. A.  
Malcolm, J. W.  
Manners, rt. hn. Lord J.  
March, Earl of  
Marten, A. G.  
Martin, P. W.  
Massey, rt. hon. W. N.  
Matheson, A.  
Maxwell, Sir W. S.  
Mellor, T. W.  
Merewether, C. G.  
Mills, A.  
Mills, Sir C. H.  
Monckton, F.  
Monckton, hon. G.  
Monk, C. J.  
Montgomerie, R.  
Montgomery, Sir G. G.  
Moore, S.  
Morgan, hon. F.  
Mowbray, rt. hn. J. R.  
Mulholland, J.  
Muncaster, Lord  
Muntz, P. H.  
Murphy, N. D.  
Naghten, Lt.-Col.  
Neville-Grenville, R.  
Newdegate, C. N.  
Newport, Viscount  
Noel, rt. hon. G. J.  
North, Colonel  
Northcote, rt. hon. Sir  
S. H.  
O'Brien, Sir P.  
Onslow, D.  
O'Shaughnessy, R.  
Paget, R. H.  
Palk, Sir L.  
Parker, Lt.-Col. W.  
Pateshall, E.  
Peck, Sir H. W.  
Peel, A. W.

Peel, rt. hon. Sir R.  
Pell, A.  
Pemberton, E. L.  
Pennant, hon. G.  
Percy, Earl  
Phipps, P.  
Pim, Captain B.  
Plunket, hon. D. R.  
Plunkett, hon. R.  
Polhill-Turner, Capt.  
Portman, hon. H. W. B.  
Powell, W.  
Power, R.  
Praed, C. T.  
Praed, H. B.  
Price, Captain  
Price, W. E.  
Puleston, J. H.  
Raikes, H. C.  
Ralli, P.  
Ramsay, J.  
Read, C. S.  
Rendlesham, Lord  
Repton, G. W.  
Ridley, M. W.  
Ritchie, C. T.  
Rodwell, B. B. H.  
Roebuck, J. A.  
Russell, Lord A.  
Ryder, G. R.  
Sackville, S. G. S.  
St. Aubyn, Sir J.  
Salt, T.  
Samuda, J. D'A.  
Sanderson, T. K.  
Sandford, G. M. W.  
Sandon, Viscount  
Sclater-Booth, rt. hn. G.  
Scott, Lord H.  
Scott, M. D.  
Scourfield, J. H.  
Seely, C.  
Selwin-Ibbetson, Sir  
H. J.  
Sheridan, H. B.  
Sherlock, Mr. Serjeant  
Sherriff, A. C.  
Simon, Mr. Serjeant  
Simonds, W. B.  
Smith, A.  
Smith, F. C.  
Smith, S. G.  
Smith, W. H.  
Somerset, Lord H. R. C.  
Spinks, Mr. Serjeant  
Stafford, Marquess of  
Stanhope, hon. E.  
Stanhope, W. T. W. S.  
Stanley, hon. F.  
Stansfeld, rt. hon. J.  
Starkey, L. R.  
Starkie, J. P. C.  
Steele, L.  
Sturt, H. G.  
Swanston, A.  
Sykes, C.  
Talbot, J. G.  
Tavistock, Marquess of  
Taylor, rt. hon. Col.  
Taylor, P. A.  
Tennant, R.  
Thynne, Lord H. F.  
Tollemache, W. F.

Torr, J.  
Torrens, W. T. M'C.  
Tremayne, J.  
Turnor, E.  
Vance, J.  
Wait, W. K.  
Walker, T. E.  
Walpole, hon. F.  
Walpole, rt. hon. S.  
Walsh, hon. A.  
Walter, J.  
Waterlow, Sir S. H.  
Watney, J.  
Weguelin, T. M.  
Welby, W. E.  
Wellesley, Captain  
Wells, E.  
Wethered, T. O.

Whitbread, S.  
Whitelaw, A.  
Williams, Sir F. M.  
Wilmot, Sir H.  
Wilmot, Sir J. E.  
Winn, R.  
Wolff, Sir H. D.  
Woodd, B. T.  
Wyndham, hon. P.  
Wynn, C. W. W.  
Yarmouth, Earl of  
Yeaman, J.  
Yorke, hon. E.  
Yorke, J. R.

TELLERS.

Goldsmid, J.  
Wheelhouse, W. S. J.

House adjourned at Six o'clock.

## HOUSE OF LORDS,

Thursday, 17th June, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—  
Salmon Fishery Act Provisional Order (Taw  
and Torridge) \* (166); Canada Copyright \*  
(157).

*Second Reading*—Metropolitan Police (Surgeon,  
Clerk, &c. Superannuation) \* (134); Drainage  
and Improvement of Lands (Ireland) Provisional  
Order \* (138); Intestates Widows and  
Children Act Extension \* (113); Elementary  
Education Provisional Order Confirmation  
(London) \* (104); Local Government Board's  
Provisional Orders Confirmation (Aberdare,  
&c.) \* (123); Elementary Education Provisional  
Order Confirmation (London) (No. 2) \*  
(141).

*Committee*—Turnpike Roads (South Wales) \*  
(129); Offences against the Person (102-  
158).

*Report*—Tramways Orders Confirmation \* (69).  
*Third Reading*—Artizans Dwellings (134);  
Landed Estates Act (Ireland) Amendment \*  
(97), and passed.

## ARTIZANS DWELLINGS BILL—(No. 134.)

(The Lord Steward.)

## THIRD READING.

Order of the Day for the Third Reading,  
read.

*Moved*, "That the Bill be now read 3<sup>d</sup>."  
—(The Lord Steward.)

THE EARL OF ROSEBERY said,  
that before their Lordships proceeded  
to the third reading of the Bill, he wished  
to make a few remarks, not in any spirit  
of opposition, but by way of observation  
on the practical working of the Bill.  
He would, in the first place, ask their  
Lordships to consider what the Bill

would do, and what it would not do. It seemed to him that the area of what it would not do was much larger than that of what it would do. Firstly, it did not attack the case of the smaller towns; next, although it dealt with very large areas, it did not deal with the dwellings of agricultural labourers; but, as their Lordships well knew, the disgraceful state of those dwellings in many parts of the Kingdom could not be denied. In the second place, there was a graver charge against it—the limits as to population laid down in the Bill were such that the measure would not attack the case of the smaller towns. Why? He ventured to think that the action of such a measure would be more beneficial in the case of towns below the limit of population laid down in the Bill than it would be in that of towns above it, and for this good reason—that in the large towns there was far more public spirit and far better means of dealing with the dwellings of the poor than was the case in the smaller towns. Whenever, in the course of the discussions on the Bill, a complaint was made of the want of stringency in its enactments, some one on the Treasury Bench rose and said it was very important to look to the public spirit existing in the large towns. If half that was said on that score were true they might have been trusted to apply like Edinburgh and Glasgow for local Acts, so that in the matters to which this Bill related the large towns had, to a very great extent, the remedy in their own hands. It was not so with the small towns—they might, perhaps, possess a Local Board, but they had not the same wealth or public spirit. Yet for these the Bill did nothing. If comparisons were not odious, he might liken the conduct of the framers of the Bill to that of a certain Levite, who pursued his way to Jericho—being intent, no doubt, on great public matters—and passed by the aggravated case that lay on his way. In like manner the Government, intent on great measures, had passed by the unwholesome areas of small towns in their haste to alleviate the condition of the larger. As regarded the clearing away of unwholesome areas and the pulling down of unhealthy structures in large towns, he saw no reason why the Bill should not effect good; but he feared that its machinery was not very effective—it ap-

peared to him to be cumbrous and expensive, and in addition to this the process of getting to work would be a very long one. This would be the process: First, two justices of the peace or two ratepayers would go to the Medical Officer and point out the unhealthy area; the Medical Officer then made his report to the Local Authority; the Local Authority “take it into their consideration;” they then pass a resolution that the area was unhealthy; after passing that resolution they make an improvement scheme; having completed it, they were to announce its existence in the newspapers during the three autumn months; in the ensuing month they were to serve a notice on the owners and occupiers; they must then present a Petition to the Secretary of State or the Local Government Board for a confirming order; and, lastly, the confirming authority were thereupon to order an inquiry. It could not therefore be said that the procedure was unduly rapid, while it might almost be called cumbrous. Moreover, he feared two results—first, that when the Bill was passed and brought into operation, even should it accomplish its object, the carrying out of schemes under the Bill would entail considerable loss; and, secondly, he feared that the ejected persons would not be accommodated. There would be the cost of buying and pulling down houses. This, he feared, would provoke a cry on the part of the ratepayers, and have the effect of making the Bill extremely unpopular, and in that way hinder its working. An endeavour would be made to recoup by selling the land for the erection of model lodging-houses or by erecting such houses; but, looking to the great cost of building in large towns, it was to be apprehended that the people who had been unhoused by the pulling down of the rookeries in which they had lived would not be able to find in the new buildings dwellings at the rent which they could afford. He would place before their Lordships an illustrative case. In the course of the debates on this Bill a good deal had been said of what had been done in Glasgow and Edinburgh. Now, the case of Edinburgh was not analogous to many which would have to be dealt with under the Bill. Edinburgh was a town in which there was a great deal of space; and, further, in that town a provision was made that before



500 persons were ejected sufficient accommodation must be provided for them elsewhere. The conditions there were therefore exceedingly favourable. But what was the result? The local authority was urged there to build some model dwelling houses as an experiment and an example. They accordingly, on a piece of land worth at least £2,000, built a block of houses which cost £6,972. So that the total cost of the undertaking might be roughly estimated at £9,000. The houses were sold by public auction, and eagerly bought, chiefly by the better class of working men, not exactly the class it was intended to benefit. Six or eight shops at the time he received his information still remained on hand, and supposing these to realize £250 each, it would make the total return for this expenditure of £9,000—£6,200. There were four deductions to be made from this example—1. It implied a direct payment from the rates for the benefit of a particular class. 2. The class benefited was not the class ejected or intended to be benefited. 3. Provision was not thereby made for the ejected occupiers. 4. The transaction involved a loss of 30 per cent. But it might be argued under this Bill private contractors were to build the houses. But even then they would not allow the loss to fall on them so that the expense and the failure would be the same. He however regarded the Bill as a well-intentioned effort on the part of Her Majesty's Government, although he considered its machinery cumbrous, its operations likely to be expensive, and its provisions for giving accommodation to ejected tenants likely to be inadequate.

EARL NELSON said, that everybody seemed to think it necessary to give this measure their support, but, like the noble Earl who had just sat down, that support was what might be called back-handed and half-hearted. The noble Earl complained that the operation of the Act would not be quick enough; but, for his own part, he was glad its action was not too rapid, as that might create evils as great as those proposed to be remedied. The people really had to be educated as to what was necessary to be done. There was a remarkable and rapidly-growing tendency amongst the rural population to move from the country into the towns, which made it

of national importance that the health of the towns should be cared for. In France, in recruiting for their army from the country districts, they would summons 13,000 conscripts for 10,000 soldiers, but in the towns and manufacturing districts they had to summons 23,000 conscripts for the same number of soldiers, in one case having to reject only 3,000 in the other 13,000. He had been told that the inhabitants of the back slums of Westminster were in the habit of drinking spirits deliberately late at night with the view of making themselves drunk, because otherwise it would not be possible for them to sleep in their wretched dwellings. Feeling that the operations contemplated by this Bill would do much in the long run to lessen the temptations to drunkenness and promote the health of the people, he heartily supported the third reading.

EARL BEAUCHAMP, in reference to the remarks of the noble Earl (the Earl of Rosebery), said, they were a condensation of all that had been said in opposition to the Bill during its progress through Parliament. The argument was—first, it was a very good Bill; then it was a Bill that would do no good at all; and then why was it not extended to small towns? There were several reasons why the Bill should not be applied to small towns. The system required for small towns was quite a different one from that which was called for in the case of large towns. The evil complained of was not that the population was dense in particular areas, but that the people were crowded in rookeries that were destitute of the proper sanitary arrangements. Some blocks of model lodging-houses contained, for the superficial ground area, a larger number of inhabitants than the condemned dwellings which had stood in the same places. Now, as a rule, these rookeries did not exist in small towns; and the Sanitary Authorities had already sufficient powers to deal with any nuisances that might arise with them.

Motion agreed to; Bill read 3<sup>d</sup> accordingly.

LORD REDESDALE again objected to the 12th clause as it then stood. It gave the Secretary of State and the Local Government Board powers over the property of persons such as had never hitherto been exercised except by Par-

liament itself. The clause dealt with the modification of schemes, and he begged to move, as an Amendment, the insertion of this Proviso—

"Provided always, that if such modification or alteration shall require a larger public expenditure than that sanctioned by the former scheme, or the taking of any property otherwise than by agreement, or shall affect injuriously other property in a manner different to that proposed in the former scheme without the consent of the owner and occupier of any such property, it must be made by a provisional order to be confirmed by Act of Parliament in the manner provided in Section six of this Act on the completion of an improvement scheme."

EARL BEAUCHAMP said, he did not think the Amendment necessary after the alteration which had been made in the clause when the Report was under consideration.

LORD ABERDARE thought that if some such Proviso as that proposed by the Chairman of Committees were not adopted, a modification affecting private property might be sanctioned without the assent of Parliament.

LORD SELBORNE thought that an Amendment such as that suggested by his noble Friend the Chairman of Committees was desirable.

THE DUKE OF RICHMOND said, he was not convinced, but after the opinion expressed by the noble and learned Lord (Lord Selborne) and other noble Friends he would urge his noble Friend (Earl Beauchamp) to accept the Amendment.

THE LORD CHANCELLOR said, it was a disadvantage that their Lordships had not before them a copy of the Bill as amended on the Report. After the Amendment introduced by his noble Friend (Earl Beauchamp) on the Report, it was provided by the clause that any modification must be laid before Parliament; but it was not provided that the modification should be confirmed by Parliament. It appeared to him that there was no inconsistency between the Amendment introduced by his noble Friend and that now proposed by the noble Lord the Chairman of Committees. He would suggest that the Amendment of his noble Friend (Lord Redesdale) should be attached to the end of the clause.

LORD REDESDALE agreed to the suggestion of the Lord Chancellor.

Amendment *agreed to*; Bill passed, and sent to the Commons.

*Lord Redesdale*

# OFFENCES AGAINST THE PERSON BILL.

(*The Lord Hampton.*)

(NO. 102.) COMMITTEE.

House in Committee (according to Order.)

Clauses 1 and 2 *agreed to*.

Clause 3 (Abusing a girl under 12 years of age.)

LORD STANLEY OF ALDERLEY moved to leave out ("twelve") and insert ("thirteen.")

LORD HAMPTON objected to the alteration.

LORD COLERIDGE said, that he saw no reason for the alteration. Surely an offence committed on a girl under 13 was as bad as if it was committed on a girl under 12.

Amendment *negatived*; Clause *agreed to*.

Clause 4 (Abusing a girl above 12 years of age and under 13 years of age.)

LORD STANLEY OF ALDERLEY moved to omit the clause.

After a conversation which was mostly inaudible,

Amendment *agreed to*; Clause *struck out*.

Further Amendments made: the Report thereof to be received *To-morrow*; and Bill to be *printed*, as amended. (No. 158.)

## PUBLIC HEALTH BILL.—QUESTION.

THE DUKE OF SOMERSET asked the Lord President, Whether the consolidation Clauses of the Public Health Bill would be distinguished from the amendment Clauses?

THE DUKE OF RICHMOND: A statement will be prepared and circulated showing the clauses which contain amendments of the existing law. The statement will be in two parts, the first corresponding with the statements circulated in the House of Commons on the introduction of the Bill, and the second part showing the amendments made in the Bill by the House of Commons.

## SALMON FISHERY ACT PROVISIONAL ORDER (TAW AND TORRIDGE) BILL [H.L.]

A Bill for confirming a Provisional Order made by one of Her Majesty's Principal Secretaries of State in pursuance of the Salmon Fishery Act, 1873, relating to the Taw and



Torrige Salmon Fishery District—Was *presented* by The LORD STEWARD; read 1<sup>a</sup>; (No. 156.)

#### CANADA COPYRIGHT BILL [H.L.]

A Bill to give effect to an Act of the Parliament of the Dominion of Canada respecting Copyright—Was *presented* by The Earl of CARNARVON; read 1<sup>a</sup>. (No. 157.)

House adjourned at a quarter before Seven o'clock, till To-morrow, half-past Ten o'clock.

## HOUSE OF COMMONS,

*Thursday, 17th June, 1875.*

MINUTES.]—NEW MEMBER SWORN—Colonel Maitland Wilson, for Suffolk (Western Division).

PUBLIC BILLS—*Second Reading*—Juries (Ireland) \* [206].

Committee—Merchant Shipping Acts Amendment (*re-comm.*) \* [116]—R.P.; Militia Laws Consolidation and Amendment (*re-comm.*) \* [202]—R.P.

Committee—*Report*—Burghs and Populous Places (Scotland) Gas Supply (No. 2) \* [104-211].

*Withdrawn*—Ancient Monuments [9].

## IRELAND—CHURCH TEMPORALITIES COMMISSION.—QUESTION.

MR. E. JENKINS asked the First Lord of the Treasury, Whether his attention has been called to a statement, in the Report of the Controller and Auditor General, upon the account of the Commissioners of Church Temporalities in Ireland, for the year 1874, presented to Parliament on the 9th instant, in reference to two Reports recently presented to Parliament by the sanction of the Lord Lieutenant and of the Lords Commissioners of Her Majesty's Treasury, in these words—

"I will point out the great public inconvenience that would arise if the permission granted to the Commissioners were to be held as a precedent upon which every public accountant might claim the privilege of animadverting upon the reports of the head of this department made, in the unavoidable and conscientious discharge of his statutory functions. His duties, it need not be said, are already sufficiently onerous and invidious, and his position would become well-nigh intolerable, if the further task were forced upon him of engaging in controversial written discussions with public accountants, who be-

lieve that they have more or less reason to be dissatisfied with his criticisms upon their financial transactions;"

Whether this does not express the rule by which the relations of the Auditor General to Public Accountants are regulated; and, if so, what were the peculiar circumstances which led to a departure from this rule in the case of the Irish Church Temporalities Commissioners; whether the Lords of the Treasury will take measures to bring the controversy between the Commissioners and the Auditor General to an end; whether his attention has been called to the fact that the expense of the Commission has increased in the inverse ratio to the amount of duties to be performed, viz.: from 1871, when a very large amount of business, specified in the Report, was done, and payments were made amounting to £4,890,000, the cost of the Commission was £28,389, whereas in 1874 the Commissioners stated that their duties as a compensating body had been practically completed, and the payments of the year only amounted to £264,212, the cost of the Commission had risen to £32,409; and, whether any means will be taken of ascertaining the reasons of their increased cost of administration?

MR. DISRAELI: Sir, there is no necessity for the Treasury to interfere between the Commissioners of Church Temporalities in Ireland and the Auditor General, even if they had the power, which they have not. The question is in the House of Commons. The House of Commons has appointed a Committee of Public Accounts, before whom all these transactions are now investigated, and it would be highly improper if the opinion of the Government upon any subject of controversy which the Committee had to investigate could be extracted by means of asking a Question. The subject of the relations existing between the Auditor General and the Commissioners is one which it would have been well to bring under the consideration of the House in a different way. With regard to the expense of the Commission, I may say in the general interest of economy the Treasury watch the expenditure of public money under any circumstances with severe scrutiny, but nothing has occurred in the present case to render their interference necessary.

Burt, T.  
 Callender, W. R.  
 Cameron, C.  
 Carter, R. M.  
 Chadwick, D.  
 Chambers, Sir T.  
 Close, M. C.  
 Cole, H. T.  
 Conyngham, Lord F.  
 Corry, J. P.  
 Cowan, J.  
 Cowen, J.  
 Crossley, J.  
 Dalway, M. R.  
 Davie, Sir H. R. F.  
 Davies, D.  
 Davies, R.  
 Dease, E.  
 Downing, M'C.  
 Fletcher, I.  
 Fordyce, W. D.  
 Gourley, E. T.  
 Grieve, J. J.  
 Harrison, J. F.  
 Havelock, Sir H.  
 Holland, S.  
 Hughes, W. B.  
 James, W. H.  
 Jenkins, E.  
 Kenealy, Dr.  
 Kinnaid, hon. A. F.  
 Laing, S.  
 Leith, J. F.  
 Leslie, J.  
 Lewis, C. E.  
 Lloyd, M.  
 Lush, Dr.  
 Lusk, Sir A.  
 Macgregor, D.  
 Mackintosh, C. F.  
 M'Arthur, A.  
 M'Arthur, W.

M'Combie, W.  
 M'Laren, D.  
 Maitland, J.  
 Monck, Sir A. E.  
 Montagu, rt. hn. Lord R.  
 Moore, A.  
 Morgan, G. O.  
 Morley, S.  
 Mundella, A. J.  
 Noel, E.  
 O'Clery, K.  
 O'Neill, hon. E.  
 O'Reilly, M. W.  
 Parnell, C. S.  
 Potter, T. B.  
 Reed, E. J.  
 Richard, H.  
 Richardson, T.  
 Sinclair, Sir J. G. T.  
 Smith, E.  
 Smyth, R.  
 Stuart, Colonel  
 Sullivan, A. M.  
 Talbot, C. R. M.  
 Tracy, hon. C. R. D.  
 Hanbury-  
 Trevelyan, G. O.  
 Trevor, Lord A. E. Hill-  
 Waddy, S. D.  
 Wallace, Sir R.  
 Ward, M. F.  
 Whalley, G. H.  
 Whitwell, J.  
 Whitworth, B.  
 Whitworth, W.  
 Wilson, C.  
 Young, A. W.

## TELLERS.

Johnston, W.  
 Lawson, Sir W.

## NOES.

Adam, rt. hon. W. P.  
 Adderley, rt. hon. Sir C.  
 Agnew, R. V.  
 Allen, Major  
 Allsopp, C.  
 Allsopp, H.  
 Amory, Sir J. H.  
 Anderson, G.  
 Arkwright, A. P.  
 Arkwright, F.  
 Arkwright, R.  
 Astley, Sir J. D.  
 Bailey, Sir J. R.  
 Barclay, A. C.  
 Baring, T. C.  
 Barrington, Viscount  
 Barttelot, Sir Walter B.  
 Bass, A.  
 Bass, M. T.  
 Bates, E.  
 Bateson, Sir T.  
 Bathurst, A. A.  
 Beach, rt. hn. Sir M. H.  
 Beach, W. W. B.  
 Beaumont, W. B.  
 Bective, Earl of  
 Bennett-Stanford, V. F.

Bentinck, G. C.  
 Bentinck, G. W. P.  
 Beresford, Lord C.  
 Beresford, Colonel M.  
 Bolckow, H. W. F.  
 Boord, T. W.  
 Booth, Sir R. G.  
 Bourke, hon. R.  
 Bousfield, Major  
 Brassey, H. A.  
 Bright, R.  
 Bristowe, S. B.  
 Broadley, W. H. H.  
 Brooks, W. C.  
 Bruce, rt. hon. Lord E.  
 Bruce, hon. T.  
 Bruen, H.  
 Brymer, W. E.  
 Buckley, Sir E.  
 Bulwer, J. R.  
 Butler-Johnstone, H. A.  
 Cameron, D.  
 Campbell, C.  
 Cartwright, F.  
 Cartwright, W. C.  
 Cave, rt. hon. S.  
 Cave, T.

Cavendish, Lord F. C.  
 Cawley, C. E.  
 Cecil, Lord E. H. B. G.  
 Chapman, J.  
 Charley, W. T.  
 Childers, rt. hon. H.  
 Christie, W. L.  
 Churchill, Lord R.  
 Clifford, C. C.  
 Clifton, T. H.  
 Clive, hon. Col. G. W.  
 Clive, G.  
 Clowes, S. W.  
 Cobbett, J. M.  
 Cobbold, J. P.  
 Cochrane, A. D. W. R. B.  
 Cole, Col. hon. H. A.  
 Colebrooke, Sir T. E.  
 Collins, E.  
 Coope, O. E.  
 Corbett, Colonel  
 Corbett, J.  
 Cordes, T.  
 Cotes, C. C.  
 Cotton, Alderman  
 Cowper, hon. H. F.  
 Cross, rt. hon. R. A.  
 Cubitt, G.  
 Cuninghame, Sir W.  
 Cust, H. C.  
 Dalkeith, Earl of  
 Dalrymple, C.  
 Davenport, W. B.  
 Denison, C. B.  
 Denison, W. E.  
 Dickson, Major A. G.  
 Dilke, Sir C. W.  
 Disraeli, rt. hon. B.  
 Dodson, rt. hon. J. G.  
 Drax, J. S. W. S. E.  
 Duff, M. E. G.  
 Duff, R. W.  
 Dundas, J. C.  
 Dyke, W. H.  
 Dyott, Colonel R.  
 Eaton, H. W.  
 Edmonstone, Admiral  
 Sir W.  
 Egerton, hon. A. F.  
 Egerton, Adm, hon. F.  
 Egerton, hon. W.  
 Elcho, Lord  
 Elliot, Sir G.  
 Elphinstone, Sir J. D. H.  
 Emlyn, Viscount  
 Errington, G.  
 Eslington, Lord  
 Estcourt, G. B.  
 Evans, T. W.  
 Ewing, A. O.  
 Fawcett, H.  
 Fellowes, E.  
 Fielden, J.  
 Finch, G. H.  
 Fitzwilliam, hon. C.  
 W. W.  
 Floyer, J.  
 Foljambe, F. J. S.  
 Folkestone, Viscount  
 Forester, C. T. W.  
 Forster, Sir C.  
 Forster, rt. hon. W. E.  
 Forsyth, W.

Foster, W. H.  
 Fraser, Sir W. A.  
 French, hon. C.  
 Freshfield, C. K.  
 Gallwey, Sir W. P.  
 Galway, Viscount  
 Gardner, J. T. Agg-  
 Gardner, R. Richard-  
 son-  
 Garnier, J. C.  
 Gibson, E.  
 Gilpin, Colonel  
 Goddard, A. L.  
 Goldney, G.  
 Gordon, rt. hon. E. S.  
 Gordon, W.  
 Gorst, J. E.  
 Gower, hon. E. F. L.  
 Grantham, W.  
 Greenall, G.  
 Greene, E.  
 Gregory, G. B.  
 Grey, Earl de  
 Grosvenor, Lord R.  
 Gurney, rt. hon. R.  
 Hall, A. W.  
 Hamilton, I. T.  
 Hamilton, Lord G.  
 Hamond, C. F.  
 Hanbury, R. W.  
 Hankey, T.  
 Hardcastle, E.  
 Hardy, rt. hon. G.  
 Hardy, J. S.  
 Hartington, Marq. of  
 Harvey, Sir R. B.  
 Hay, rt. hon. Sir J. C. D.  
 Hayter, A. D.  
 Heath, R.  
 Helmsley, Viscount  
 Henley, rt. hon. J. W.  
 Hermon, E.  
 Hervey, Lord F.  
 Heygate, W. U.  
 Hick, J.  
 Hildyard, T. B. T.  
 Hill, A. S.  
 Hodgson, K. D.  
 Hodgson, W. N.  
 Hogg, Sir J. M.  
 Holford, J. P. G.  
 Holland, Sir H. T.  
 Holmesdale, Viscount  
 Holmes, J.  
 Holms, W.  
 Holt, J. M.  
 Hood, Capt. hn. A. W.  
 A. N.  
 Hope, A. J. B. B.  
 Horsman, rt. hon. E.  
 Howard, hon. C. W. G.  
 Hubbard, rt. hon. J.  
 Hunt, rt. hon. G. W.  
 Isaac, S.  
 Jackson, H. M.  
 Johnson, J. G.  
 Johnstone, Sir F.  
 Jolliffe, hon. S.  
 Jones, J.  
 Karlake, Sir J.  
 Kavanagh, A. MacM.  
 Kennard, Colonel  
 Kennaway, Sir J. H.

Kingscote, Colonel  
 Kirk, G. H.  
 Knatchbull, Sir W.  
 Knatchbull-Hugessen,  
 rt. hon. E.  
 Knightley, Sir R.  
 Leacon, Sir E. H. K.  
 Lambert, N. G.  
 Lawrence, Sir J. C.  
 Learmonth, A.  
 Lee, Major V.  
 Lefevre, G. J. S.  
 Legard, Sir C.  
 Leigh, W. J.  
 Leigh, Lt.-Col. E.  
 Lennox, Lord H. G.  
 Lindsay, Col. R. L.  
 Lindsay, Lord  
 Lloyd, S.  
 Lloyd, T. E.  
 Locke, J.  
 Lopes, H. C.  
 Lopes, Sir M.  
 Lowther, hon. W.  
 Lowther, J.  
 Macartney, J. W. E.  
 Macdonald, A.  
 Macduff, Viscount  
 MacIver, D.  
 Mahon, Viscount  
 Maitland, W. F.  
 Majendie, L. A.  
 Malcolm, J. W.  
 Manners, rt. hn. Lord J.  
 March, Earl of  
 Marten, A. G.  
 Martin, P. W.  
 Massey, rt. hon. W. N.  
 Matheson, A.  
 Maxwell, Sir W. S.  
 Mellor, T. W.  
 Merewether, C. G.  
 Mills, A.  
 Mills, Sir C. H.  
 Monckton, F.  
 Monckton, hon. G.  
 Monk, C. J.  
 Montgomerie, R.  
 Montgomery, Sir G. G.  
 Moore, S.  
 Morgan, hon. F.  
 Mowbray, rt. hn. J. R.  
 Mulholland, J.  
 Muncaster, Lord  
 Muntz, P. H.  
 Murphy, N. D.  
 Naghten, Lt.-Col.  
 Neville-Grenville, R.  
 Newdegate, C. N.  
 Newport, Viscount  
 Noel, rt. hon. G. J.  
 North, Colonel  
 Northcote, rt. hon. Sir  
 S. H.  
 O'Brien, Sir P.  
 Onslow, D.  
 O'Shaughnessy, R.  
 Paget, R. H.  
 Palk, Sir L.  
 Parker, Lt.-Col. W.  
 Pateshall, E.  
 Peek, Sir H. W.  
 Peel, A. W.

Peel, rt. hon. Sir R.  
 Pell, A.  
 Pemberton, E. L.  
 Pennant, hon. G.  
 Percy, Earl  
 Phipps, P.  
 Pim, Captain B.  
 Plunket, hon. D. R.  
 Plunkett, hon. R.  
 Polhill-Turner, Capt.  
 Portman, hon. H. W. B.  
 Powell, W.  
 Power, R.  
 Praed, C. T.  
 Praed, H. B.  
 Price, Captain  
 Price, W. E.  
 Puleston, J. H.  
 Raikes, H. C.  
 Ralli, P.  
 Ramsay, J.  
 Read, C. S.  
 Rendlesham, Lord  
 Repton, G. W.  
 Ridley, M. W.  
 Ritchie, C. T.  
 Rodwell, B. B. H.  
 Roebuck, J. A.  
 Russell, Lord A.  
 Ryder, G. R.  
 Sackville, S. G. S.  
 St. Aubyn, Sir J.  
 Salt, T.  
 Samuda, J. D'A.  
 Sanderson, T. K.  
 Sandford, G. M. W.  
 Sandon, Viscount  
 Sclater-Booth, rt. hn. G.  
 Scott, Lord H.  
 Scott, M. D.  
 Scourfield, J. H.  
 Seely, C.  
 Selwin-Ibbetson, Sir  
 H. J.  
 Sheridan, H. B.  
 Sherlock, Mr. Serjeant  
 Sheriff, A. C.  
 Simon, Mr. Serjeant  
 Simonds, W. B.  
 Smith, A.  
 Smith, F. C.  
 Smith, S. G.  
 Smith, W. H.  
 Somerset, Lord H. R. C.  
 Spinks, Mr. Serjeant  
 Stafford, Marquess of  
 Stanhope, hon. E.  
 Stanhope, W. T. W. S.  
 Stanley, hon. F.  
 Stansfeld, rt. hon. J.  
 Starkey, L. R.  
 Starkie, J. P. C.  
 Steere, L.  
 Sturt, H. G.  
 Swanston, A.  
 Sykes, C.  
 Talbot, J. G.  
 Tavistock, Marquess of  
 Taylor, rt. hon. Col.  
 Taylor, P. A.  
 Tennant, R.  
 Thynne, Lord H. F.  
 Tollemache, W. F.

Torr, J.  
 Torrens, W. T. M'C.  
 Tremayne, J.  
 Turnor, E.  
 Vance, J.  
 Wait, W. K.  
 Walker, T. E.  
 Walpole, hon. F.  
 Walpole, rt. hon. S.  
 Walsh, hon. A.  
 Walter, J.  
 Waterlow, Sir S. H.  
 Watney, J.  
 Weguelin, T. M.  
 Welby, W. E.  
 Wellesley, Captain  
 Wells, E.  
 Wethered, T. O.

Whitbread, S.  
 Whitelaw, A.  
 Williams, Sir F. M.  
 Wilmot, Sir H.  
 Wilmot, Sir J. E.  
 Winn, R.  
 Wolff, Sir H. D.  
 Woodd, B. T.  
 Wyndham, hon. P.  
 Wynn, C. W. W.  
 Yarmouth, Earl of  
 Yeaman, J.  
 Yorke, hon. E.  
 Yorke, J. R.

TELLERS.

Goldsmid, J.  
 Wheelhouse, W. S. J.

House adjourned at Six o'clock.

## HOUSE OF LORDS,

Thursday, 17th June, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—  
 Salmon Fishery Act Provisional Order (Taw  
 and Torridge)\* (156); Canada Copyright\*  
 (157).

*Second Reading*—Metropolitan Police (Surgeon,  
 Clerk, &c. Superannuation)\* (134); Drainage  
 and Improvement of Lands (Ireland) Provi-  
 sional Order\* (138); Intestates Widows and  
 Children Act Extension\* (113); Elementary  
 Education Provisional Order Confirmation  
 (London)\* (104); Local Government Board's  
 Provisional Orders Confirmation (Aberdare,  
 &c.)\* (123); Elementary Education Provi-  
 sional Order Confirmation (London) (No. 2)\*  
 (141).

*Committee*—Turnpike Roads (South Wales)\*  
 (129); Offences against the Person (102-  
 158).

*Report*—Tramways Orders Confirmation\* (69).  
*Third Reading*—Artizans Dwellings (134);  
 Landed Estates Act (Ireland) Amendment\*  
 (97), and passed.

ARTIZANS DWELLINGS BILL—(No. 134.)  
 (The Lord Steward.)

## THIRD READING.

Order of the Day for the Third Read-  
 ing, read.

*Moved*, "That the Bill be now read 3\*."  
 —(The Lord Steward.)

THE EARL OF ROSEBERY said,  
 that before their Lordships proceeded  
 to the third reading of the Bill, he wished  
 to make a few remarks, not in any spirit  
 of opposition, but by way of observation  
 on the practical working of the Bill.  
 He would, in the first place, ask their  
 Lordships to consider what the Bill

would do, and what it would not do. It seemed to him that the area of what it would not do was much larger than that of what it would do. Firstly, it did not attack the case of the smaller towns; next, although it dealt with very large areas, it did not deal with the dwellings of agricultural labourers; but, as their Lordships well knew, the disgraceful state of those dwellings in many parts of the Kingdom could not be denied. In the second place, there was a graver charge against it—the limits as to population laid down in the Bill were such that the measure would not attack the case of the smaller towns. Why? He ventured to think that the action of such a measure would be more beneficial in the case of towns below the limit of population laid down in the Bill than it would be in that of towns above it, and for this good reason—that in the large towns there was far more public spirit and far better means of dealing with the dwellings of the poor than was the case in the smaller towns. Whenever, in the course of the discussions on the Bill, a complaint was made of the want of stringency in its enactments, some one on the Treasury Bench rose and said it was very important to look to the public spirit existing in the large towns. If half that was said on that score were true they might have been trusted to apply like Edinburgh and Glasgow for local Acts, so that in the matters to which this Bill related the large towns had, to a very great extent, the remedy in their own hands. It was not so with the small towns—they might, perhaps, possess a Local Board, but they had not the same wealth or public spirit. Yet for these the Bill did nothing. If comparisons were not odious, he might liken the conduct of the framers of the Bill to that of a certain Levite, who pursued his way to Jericho—being intent, no doubt, on great public matters—and passed by the aggravated case that lay on his way. In like manner the Government, intent on great measures, had passed by the unwholesome areas of small towns in their haste to alleviate the condition of the larger. As regarded the clearing away of unwholesome areas and the pulling down of unhealthy structures in large towns, he saw no reason why the Bill should not effect good; but he feared that its machinery was not very effective—it ap-

peared to him to be cumbrous and expensive, and in addition to this the process of getting to work would be a very long one. This would be the process: First, two justices of the peace or two ratepayers would go to the Medical Officer and point out the unhealthy area; the Medical Officer then made his report to the Local Authority; the Local Authority "take it into their consideration;" they then pass a resolution that the area was unhealthy; after passing that resolution they make an improvement scheme; having completed it, they were to announce its existence in the newspapers during the three autumn months; in the ensuing month they were to serve a notice on the owners and occupiers; they must then present a Petition to the Secretary of State or the Local Government Board for a confirming order; and, lastly, the confirming authority were thereupon to order an inquiry. It could not therefore be said that the procedure was unduly rapid, while it might almost be called cumbrous. Moreover, he feared two results—first, that when the Bill was passed and brought into operation, even should it accomplish its object, the carrying out of schemes under the Bill would entail considerable loss; and, secondly, he feared that the ejected persons would not be accommodated. There would be the cost of buying and pulling down houses. This, he feared, would provoke a cry on the part of the ratepayers, and have the effect of making the Bill extremely unpopular, and in that way hinder its working. An endeavour would be made to recoup by selling the land for the erection of model lodging-houses or by erecting such houses; but, looking to the great cost of building in large towns, it was to be apprehended that the people who had been unhoused by the pulling down of the rookeries in which they had lived would not be able to find in the new buildings dwellings at the rent which they could afford. He would place before their Lordships an illustrative case. In the course of the debates on this Bill a good deal had been said of what had been done in Glasgow and Edinburgh. Now, the case of Edinburgh was not analogous to many which would have to be dealt with under the Bill. Edinburgh was a town in which there was a great deal of space; and, further, in that town a provision was made that before

500 persons were ejected sufficient accommodation must be provided for them elsewhere. The conditions there were therefore exceedingly favourable. But what was the result? The local authority was urged there to build some model dwelling houses as an experiment and an example. They accordingly, on a piece of land worth at least £2,000, built a block of houses which cost £6,972. So that the total cost of the undertaking might be roughly estimated at £9,000. The houses were sold by public auction, and eagerly bought, chiefly by the better class of working men, not exactly the class it was intended to benefit. Six or eight shops at the time he received his information still remained on hand, and supposing these to realize £250 each, it would make the total return for this expenditure of £9,000—£6,200. There were four deductions to be made from this example—1. It implied a direct payment from the rates for the benefit of a particular class. 2. The class benefited was not the class ejected or intended to be benefited. 3. Provision was not thereby made for the ejected occupiers. 4. The transaction involved a loss of 30 per cent. But it might be argued under this Bill private contractors were to build the houses. But even then they would not allow the loss to fall on them so that the expense and the failure would be the same. He however regarded the Bill as a well-intentioned effort on the part of Her Majesty's Government, although he considered its machinery cumbrous, its operations likely to be expensive, and its provisions for giving accommodation to ejected tenants likely to be inadequate.

EARL NELSON said, that everybody seemed to think it necessary to give this measure their support, but, like the noble Earl who had just sat down, that support was what might be called back-handed and half-hearted. The noble Earl complained that the operation of the Act would not be quick enough; but, for his own part, he was glad its action was not too rapid, as that might create evils as great as those proposed to be remedied. The people really had to be educated as to what was necessary to be done. There was a remarkable and rapidly-growing tendency amongst the rural population to move from the country into the towns, which made it

of national importance that the health of the towns should be cared for. In France, in recruiting for their army from the country districts, they would summons 13,000 conscripts for 10,000 soldiers, but in the towns and manufacturing districts they had to summons 23,000 conscripts for the same number of soldiers, in one case having to reject only 3,000 in the other 13,000. He had been told that the inhabitants of the back slums of Westminster were in the habit of drinking spirits deliberately late at night with the view of making themselves drunk, because otherwise it would not be possible for them to sleep in their wretched dwellings. Feeling that the operations contemplated by this Bill would do much in the long run to lessen the temptations to drunkenness and promote the health of the people, he heartily supported the third reading.

EARL BEAUCHAMP, in reference to the remarks of the noble Earl (the Earl of Rosebery), said, they were a condensation of all that had been said in opposition to the Bill during its progress through Parliament. The argument was—first, it was a very good Bill; then it was a Bill that would do no good at all; and then why was it not extended to small towns? There were several reasons why the Bill should not be applied to small towns. The system required for small towns was quite a different one from that which was called for in the case of large towns. The evil complained of was not that the population was dense in particular areas, but that the people were crowded in rookeries that were destitute of the proper sanitary arrangements. Some blocks of model lodging-houses contained, for the superficial ground area, a larger number of inhabitants than the condemned dwellings which had stood in the same places. Now, as a rule, these rookeries did not exist in small towns; and the Sanitary Authorities had already sufficient powers to deal with any nuisances that might arise with them.

Motion agreed to; Bill read 3<sup>d</sup> accordingly.

LORD REDESDALE again objected to the 12th clause as it then stood. It gave the Secretary of State and the Local Government Board powers over the property of persons such as had never hitherto been exercised except by Par-



liament itself. The clause dealt with the modification of schemes, and he begged to move, as an Amendment, the insertion of this Proviso—

"Provided always, that if such modification or alteration shall require a larger public expenditure than that sanctioned by the former scheme, or the taking of any property otherwise than by agreement, or shall affect injuriously other property in a manner different to that proposed in the former scheme without the consent of the owner and occupier of any such property, it must be made by a provisional order to be confirmed by Act of Parliament in the manner provided in Section six of this Act on the completion of an improvement scheme."

EARL BEAUCHAMP said, he did not think the Amendment necessary after the alteration which had been made in the clause when the Report was under consideration.

LORD ABERDARE thought that if some such Proviso as that proposed by the Chairman of Committees were not adopted, a modification affecting private property might be sanctioned without the assent of Parliament.

LORD SELBORNE thought that an Amendment such as that suggested by his noble Friend the Chairman of Committees was desirable.

THE DUKE OF RICHMOND said, he was not convinced, but after the opinion expressed by the noble and learned Lord (Lord Selborne) and other noble Friends he would urge his noble Friend (Earl Beauchamp) to accept the Amendment.

THE LORD CHANCELLOR said, it was a disadvantage that their Lordships had not before them a copy of the Bill as amended on the Report. After the Amendment introduced by his noble Friend (Earl Beauchamp) on the Report, it was provided by the clause that any modification must be laid before Parliament; but it was not provided that the modification should be confirmed by Parliament. It appeared to him that there was no inconsistency between the Amendment introduced by his noble Friend and that now proposed by the noble Lord the Chairman of Committees. He would suggest that the Amendment of his noble Friend (Lord Redesdale) should be attached to the end of the clause.

LORD REDESDALE agreed to the suggestion of the Lord Chancellor.

Amendment agreed to; Bill passed, and sent to the Commons.

*Lord Redesdale*

# OFFENCES AGAINST THE PERSON BILL.

(The Lord Hampton.)

(NO. 102.) COMMITTEE.

House in Committee (according to Order.)

Clauses 1 and 2 agreed to.

Clause 3 (Abusing a girl under 12 years of age.)

LORD STANLEY OF ALDERLEY moved to leave out ("twelve") and insert ("thirteen.")

LORD HAMPTON objected to the alteration.

LORD COLERIDGE said, that he saw no reason for the alteration. Surely an offence committed on a girl under 13 was as bad as if it was committed on a girl under 12.

Amendment negatived; Clause agreed to.

Clause 4 (Abusing a girl above 12 years of age and under 13 years of age.)

LORD STANLEY OF ALDERLEY moved to omit the clause.

After a conversation which was mostly inaudible,

Amendment agreed to; Clause struck out.

Further Amendments made: the Report thereof to be received *To-morrow*; and Bill to be printed, as amended. (No. 158.)

## PUBLIC HEALTH BILL.—QUESTION.

THE DUKE OF SOMERSET asked the Lord President, Whether the consolidation Clauses of the Public Health Bill would be distinguished from the amendment Clauses?

THE DUKE OF RICHMOND: A statement will be prepared and circulated showing the clauses which contain amendments of the existing law. The statement will be in two parts, the first corresponding with the statements circulated in the House of Commons on the introduction of the Bill, and the second part showing the amendments made in the Bill by the House of Commons.

## SALMON FISHERY ACT PROVISIONAL ORDER (TAW AND TORRIDGE) BILL [H.L.]

A Bill for confirming a Provisional Order made by one of Her Majesty's Principal Secretaries of State in pursuance of the Salmon Fishery Act, 1873, relating to the Taw and



Torrige Salmon Fishery District—Was presented by The LORD STEWARD; read 1<sup>a</sup>; (No. 156.)

#### CANADA COPYRIGHT BILL [H.L.]

A Bill to give effect to an Act of the Parliament of the Dominion of Canada respecting Copyright—Was presented by The Earl of CARNARVON; read 1<sup>a</sup>. (No. 157.)

House adjourned at a quarter before  
Seven o'clock, till To-morrow,  
half-past Ten o'clock.

## HOUSE OF COMMONS,

Thursday, 17th June, 1875.

MINUTES.]—NEW MEMBER SWORN—Colonel Maitland Wilson, for Suffolk (Western Division).

PUBLIC BILLS—Second Reading—Juries (Ireland) \* [206].

Committee—Merchant Shipping Acts Amendment (*re-comm.*) \* [116]—R.F.; Militia Laws Consolidation and Amendment (*re-comm.*) \* [202]—R.F.

Committee—Report—Burghs and Populous Places (Scotland) Gas Supply (No. 2) \* [104-211].

Withdrawn—Ancient Monuments [9].

## IRELAND—CHURCH TEMPORALITIES COMMISSION.—QUESTION.

MR. E. JENKINS asked the First Lord of the Treasury, Whether his attention has been called to a statement, in the Report of the Controller and Auditor General, upon the account of the Commissioners of Church Temporalities in Ireland, for the year 1874, presented to Parliament on the 9th instant, in reference to two Reports recently presented to Parliament by the sanction of the Lord Lieutenant and of the Lords Commissioners of Her Majesty's Treasury, in these words—

"I will point out the great public inconvenience that would arise if the permission granted to the Commissioners were to be held as a precedent upon which every public accountant might claim the privilege of animadverting upon the reports of the head of this department made, in the unavoidable and conscientious discharge of his statutory functions. His duties, it need not be said, are already sufficiently onerous and invidious, and his position would become well-nigh intolerable, if the further task were forced upon him of engaging in controversial written discussions with public accountants, who be-

lieve that they have more or less reason to be dissatisfied with his criticisms upon their financial transactions;"

Whether this does not express the rule by which the relations of the Auditor General to Public Accountants are regulated; and, if so, what were the peculiar circumstances which led to a departure from this rule in the case of the Irish Church Temporalities Commissioners; whether the Lords of the Treasury will take measures to bring the controversy between the Commissioners and the Auditor General to an end; whether his attention has been called to the fact that the expense of the Commission has increased in the inverse ratio to the amount of duties to be performed, viz.: from 1871, when a very large amount of business, specified in the Report, was done, and payments were made amounting to £4,890,000, the cost of the Commission was £28,389, whereas in 1874 the Commissioners stated that their duties as a compensating body had been practically completed, and the payments of the year only amounted to £264,212, the cost of the Commission had risen to £32,409; and, whether any means will be taken of ascertaining the reasons of their increased cost of administration?

MR. DISRAELI: Sir, there is no necessity for the Treasury to interfere between the Commissioners of Church Temporalities in Ireland and the Auditor General, even if they had the power, which they have not. The question is in the House of Commons. The House of Commons has appointed a Committee of Public Accounts, before whom all these transactions are now investigated, and it would be highly improper if the opinion of the Government upon any subject of controversy which the Committee had to investigate could be extracted by means of asking a Question. The subject of the relations existing between the Auditor General and the Commissioners is one which it would have been well to bring under the consideration of the House in a different way. With regard to the expense of the Commission, I may say in the general interest of economy the Treasury watch the expenditure of public money under any circumstances with severe scrutiny, but nothing has occurred in the present case to render their interference necessary.

# METROPOLITAN POLICE—THE PUBLIC MUSEUMS.—QUESTION.

SIR CHARLES W. DILKE asked the Secretary of State for the Home Department, Whether the Police doing duty at the South Kensington Museum are paid at the same rate as the Police doing duty at the National Gallery, British Museum, and India Museum, or whether it is the case that the extra pay received by them for extra duty, and their gratuity at Christmas, still leave them with less pay than the Police employed at the other Museums?

MR. ASSHETON CROSS, in reply, said, that the ordinary rates of pay to the Police employed in these duties were absolutely identical, but with respect to the gratuities paid for services they rendered the amount was optional in the several departments. While the Inspector at the British Museum received £40 a-year, the Inspector at South Kensington received only £20. The police-sergeants and constables at the British Museum, National Gallery, and India Museum received an allowance at the rate of 1s. a-day, or £18 5s. a-year, while the sergeants at South Kensington received, two of them, £15, and one £10; and the constables received £5 15s. per annum for the extra work performed by them.

# PRESTON COUNTY COURT.—QUESTION.

MR. HERMON asked the First Commissioner of Works, Whether his attention has been called to the inadequate accommodation provided in the County Court Office at Preston for the transaction of the ordinary business, and of the extraordinary business arising out of the Bankruptcy and Admiralty Jurisdictions attached to that Court; to the inconvenience to the solicitors and suitors arising from the sittings of the Court being held at the County Sessions Hall, which is situated nearly a mile from the offices; and, whether, upon the expiration of the lease under which the present offices are held, there is any prospect of proper accommodation being provided, and of the court and offices being united under the same roof?

LORD HENRY LENNOX, in reply, said, an effort would be made next year to amalgamate under one roof the offices of the Preston County Court.

# THE LABOUR LAWS.—QUESTION.

LORD ROBERT MONTAGU asked the Secretary of State for the Home Department, Whether, as he proposes to let "The Master and Servant Act, 1867," expire, he will repeal the Acts suspended by the first Schedule of that Act; and, whether he proposes to repeal the whole, or any part of "The Criminal Law Amendment Act, 1871," as also Clause 4 of "The Trades Union Act of 1871," in so far as it forbids the enforcing of certain contracts made between workmen who have associated themselves, and between the societies they have formed?

MR. ASSHETON CROSS, in reply, said, he thought he had already made clear his intention to repeal such parts of those Acts as were contained in the Schedule of "The Master and Servant Act" as were affected by the Employers and Workmen Bill. There were one or two provisions not relating to the special subject of the Bill which might have to be retained, but all the rest would be repealed. The Government thought "The Criminal Law Amendment Act" ought to remain in force, and he had no intention of touching "the Trades Union Act" in any way. The object of the Government was to carry out what they believed was the intention of the Act of 1871, and do away with the effect of the judicial interpretation which had been put upon Section 4 of "The Trades Union Act." The statutable Law of Conspiracy in Clause 3 of "The Conspiracy and Protection of Property Bill" simply related to those conspiracies which were distinctly made crimes, and recognized by Acts of Parliament as conspiracies.

# BOARD OF TRADE (RAILWAY DEPARTMENT)—GOVERNMENT OFFICERS ON FOREIGN RAILWAYS.

## QUESTION.

MR. MONK asked the First Lord of the Treasury, If he will state to the House the grounds upon which Her Majesty's Government have given their permission to an office, of the British Government to act, at the request of the Ottoman Government, as arbiter in matters in dispute between that Government and a railway contractor; and, whether the statement made in this House last

year by the Chancellor of the Exchequer in reference to the employment of Captain Tyler by the Erie Railway Company, that—

"If the application had been made to the President of the Board of Trade for an officer to inquire and report, it would be impossible that the application could have been entertained,"

is not opposed to the present employment of Captain Tyler?

MR. DISRAELI: Sir, I do not think there is any similarity between the case which was treated by my right hon. Friend the Chancellor of the Exchequer last year and the one to which the Question of the hon. Member refers. Last year it was the case of an officer of the Board of Trade, who it was contemplated should be employed in assisting the labours and forwarding the interests of a private company; and, for my own part, I could not too strongly reprobate the employment of those who are in the service of Her Majesty for the interest of private companies. The case to which the hon. Gentleman now refers is of a totally different character. The Ottoman Government has appointed a Commission to examine generally into the efficiency and sufficiency of the railroads which they have recently established. They have, I believe, appointed two eminent English engineers as members of the Commission, and they made a formal application to the Secretary of State for Foreign Affairs for permission on the part of the Government to Captain Tyler to join the Commission. Lord Derby applied to the Board of Trade in reference to the matter, and expressed his opinion that if it were not a great deviation from Departmental arrangement and etiquette he should be glad if the Board could accede to the application of the Ottoman Government. It would be, as Lord Derby pointed out, not only an act of great courtesy to the Government, but it was believed that it would assist them in one of the most important matters they had in hand—namely, the sufficiency of their railroads. It was, therefore, considered to be in a certain sense a diplomatic appointment, as well as an appointment of the kind to which the hon. Gentleman refers, and which he associates with that which occupied the notice of Parliament last year. It was, of course, a matter of discretion on the part of the Government, and especially of the President of

the Board of Trade, and I think that in complying with the suggestion of Lord Derby he acted discreetly. I believe, further, that the course which has been taken will be beneficial to the country and to an ally in whose prosperity we take an interest.

#### THE TICHBORNE TRIAL—MISCONDUCT OF JUDGES—COMMITTEE OF INQUIRY. QUESTION.

MR. WHALLEY asked Mr. Attorney General, with reference to the Petitions which have been presented to this House as to the conduct of the Court of Queen's Bench in respect of Contempt of Court in the Tichborne case, Whether he has any objection to propose that a Committee be appointed to inquire into and report upon the allegations as to misconduct on the part of the Judges in that respect; and especially to inquire into and report upon the charges specifically stated in the Petitions from Peterborough?

THE ATTORNEY GENERAL: Sir, I have to state first, that I have no intention of proposing the appointment of a Committee to inquire into and report upon the allegations contained in the Petitions presented to the House imputing misconduct to the Judges of the Court of Queen's Bench in respect of the cases of Contempt of Court which occurred during the progress of the Tichborne trial; secondly, that, while I desire to pay respectful attention to the contents of all such Petitions presented to the House as are brought to my notice, I feel that I should be failing in my duty were I to propose the appointment of a Committee of the House to inquire into the allegations referred to by the hon. Member, but which appear to me to be based upon a perversion or misapprehension of the true state of the facts; and, thirdly, that I see no reason for any exception from the views which I have just expressed in respect of the charges referred to by the hon. Member as being specifically stated in the Petitions from Peterborough.

#### ANCIENT MONUMENTS BILL.

##### QUESTION. BILL WITHDRAWN.

SIR JOHN LUBBOCK asked Mr. Chancellor of the Exchequer, Whether Her Majesty's Government were pre-



pared to consider the best mode of providing for the preservation of Ancient Monuments, either by supporting the Ancient Monuments Bill in another Session, or by introducing themselves some other measure with the same object?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that last year he stated, on behalf of the Treasury, the objections they entertained to the Bill then introduced by the hon. Baronet. When the hon. Baronet this Session introduced a Bill, which was substantially the same, he (not being able to be present) asked his hon. Friend the Secretary to the Treasury to repeat in substance the objections which he urged a year ago. He could not hold out any prospect to the hon. Baronet of his being able to support the Bill in its present form, but considering the interest which had been expressed on the subject, and having regard to the vote taken on the Motion for the Second Reading, he should be ready to consult with his Colleagues in the Autumn in order to see whether the object of the hon. Baronet could in any way be attained.

SIR JOHN LUBBOCK said, that after the statement of the right hon. Gentleman he would not persevere with his Bill in the present Session. He, therefore, moved that the Order for Committee on the Bill be read and discharged.

*Motion agreed to.*

*Bill withdrawn.*

#### MERCHANT SHIPPING ACT, 1854—SURVEY OF PASSENGER STEAMERS.

##### QUESTION.

CAPTAIN PIM asked the President of the Board of Trade, Whether it is true that passenger steamers are ordinarily surveyed by only one surveyor; and whether that is in contravention of Section 309 of "The Merchant Shipping Act, 1854?"

SIR CHARLES ADDERLEY, in reply, said, passenger steamers were sometimes surveyed by two or more, sometimes by one surveyor. In all cases the hull was surveyed by a surveyor competent to survey hulls, and the engines by a surveyor specially competent to survey machinery. These duties were sometimes done by the same person.

*Sir John Lubbock*

In consequence of the great change from wood to iron the same class of persons were often employed as skilled in both duties; and this was not in contravention of the 309th section of the Act of 1854, but strictly in carrying out its spirit and intention.

#### CORRUPT PRACTICES ACT—NORWICH ELECTION.

##### ADDRESS FOR A ROYAL COMMISSION.

THE ATTORNEY GENERAL moved, That an humble Address be presented to Her Majesty, as followeth:—

"Most Gracious Sovereign,

"We, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, beg leave humbly to represent to Your Majesty that Sir Robert Lush, knight, one of the Justices of the Court of Queen Bench at Westminster, and one of the Judges selected for the trial of Election Petitions, pursuant to "The Parliamentary Elections Act, 1868," has reported to the House of Commons that there is reason to believe that corrupt practices extensively prevailed at the last Election for the City of Norwich:

"We therefore humbly pray Your Majesty, that Your Majesty will be graciously pleased to cause inquiry to be made, pursuant to the provisions of the Act of Parliament passed in the sixteenth year of the reign of Your Majesty, intituled, 'An Act to provide for more effectual inquiry into the existence of Corrupt Practices at Elections for Members to serve in Parliament,' by the appointment of John Morgan Howard, esquire, one of Her Majesty's Counsel, Patrick M'Mahon, esquire, barrister at law, and Gabriel Prior Goldney, esquire, barrister at law, as Commissioners, for the purpose of making inquiry into the existence of such corrupt practices."

The hon. and learned Gentleman reminded the hon. Member for Peterborough, who had an Amendment on the Paper, that the existing Act of Parliament provided for an extension of the inquiry as suggested by his Amendment.

MR. WHALLEY said his Amendment had been placed on the Paper through a misapprehension of the Act. He considered the circumstances under which the inquiry was proposed were most unusual, and declared that he had been actuated throughout in any part he had taken in the matter at the instance of what he believed, and must still believe, was the general feeling in the city of Norwich—namely, that they had been treated with considerable harshness, that there was no necessity at all for the inquiry, that the learned Judge investi-

gated only two out of the eight wards, and that there could be no public object whatever in incurring this large expenditure. All that was known at the inquiry was known at the previous inquiry, for so long as they got gentlemen to find money to pay messengers there would be plenty of messengers ready to accept that money under the circumstances.

DR. KENEALY wished to ask the House whether there ought not to be some re-arrangement of the section of the Act under which the present proceedings were taken? Norwich was a very large constituency, containing 12,000 or 13,000 electors, and it seemed very hard upon an electoral body of that magnitude that if some 200 or 300 persons were addicted to corrupt practices it should tend to disqualify the great and pure body of the electors. He thought, therefore, the House might consider whether there should not be some line drawn—whether any city like Norwich ought to be disfranchised because a small minority were addicted to corrupt practices. He thought the Attorney General might before now have moved for this Commission, because he was afraid the result of granting it now would be that none of the Commissioners would find it either convenient or expedient to attend during the remainder of the Session, but would defer their sittings until the vacation, and the consequence would be that Norwich would be disfranchised until the meeting of Parliament next year. That would be a great hardship. It would have been infinitely better if the Attorney General had selected gentlemen who could immediately have proceeded to sit upon the Commission and make their Report to the House as speedily as possible, so that the disgrace of being disfranchised might not rest upon that great city until next year.

MR. BRIGHT: I entirely approve of the course which the Attorney General has taken in moving for the appointment of this Commission. The hon. Member for Stoke speaks possibly with more knowledge of the condition of Norwich than I have; but I am informed that there is a good deal of corruption in that city, and that it is not confined to 200 or 300 people. Norwich has been a very corrupt constituency for a long time. I recollect being there

rather more than 30 years ago, and being at a dinner-party at the house of the then Mayor of Norwich. It was at a time when we were engaged in discussing the question of the repeal of the Corn Laws, and we remonstrated with the gentlemen present upon the fact that although the general belief was that there was a Liberal majority in the place, still the borough was represented by a Conservative on the one side and a Liberal on the other. We asked them why they could not get their representation in something like harmony with the understood opinion of the city?—and the answer was that the corruption of a certain portion of the constituency was so great and apparently so incurable, that the respectable and good men on both sides had agreed that it was far better to divide the representation in that way than to bring upon the city the terrible calamity of the corruption which occurred at every period of a contested election. From that time to this, as is well known to those connected with Norwich, there has been a great deal of corruption there. There have been Petitions and a Commission before this, and yet there seems to have been no cure. I have a letter from a gentleman of that city, whose name I do not mean to publish; but I believe the hon. Gentleman who now sits for Norwich will be able to state that the writer is a respectable man and likely to be well informed. The writer says—

“The city is on both sides of politics held in thrall by some 600 or 800—though some say there are double the number—of persons who will not vote without money or beer, and will vote for anybody with those two articles.”

That gentleman is very anxious that the Commission should go back even as far as the last Commission. I suspect by the law it will not be able to do that; but at least they can go back to the election of last year, because, after all, if the House intends really to effect a cure it is very desirable that it should know if possible, the extent of the disease, and I am satisfied from what I know, and have known for the last 30 years, that there is an amount of corruption in Norwich which it is necessary should be exposed. I suspect, however, that the corruption is not of the kind that it used to be. It is now more the abject class of the electors who take the bribe of a day's pay or of a little beer.



It is comprised I presume, of that class which I described some years ago as "the residuum," which there is, unfortunately, in every constituency, and which must necessarily be larger in very large constituencies. The more you extend the franchise the more it is probable you will find that residuum; but having done so, it is desirable that the House should be very severe, and resolve to convince the least political and the least moral that it is of great importance that elections should be pure. I am afraid that in Norwich the gentlemen of the two parties—I mean the leaders—have not taken the part which they ought to have taken and might have taken in this matter. I have seen some cases—the case of the borough of Rochdale, in which I live, is a very striking one—in which, after the Reform Bill, there was great corruption, and public-houses were opened, I am sorry to say, even by the party with which I have always been associated. The opposition—I mean the Conservatives—opened the public-houses six weeks, and our people opened them for the two days of the election. After the election, when the six weeks' opening of public-houses had prevailed over the two days' opening, the committee of the Liberal Party met and determined by a most solemn resolution that they would never again have anything to do with an election or a candidate by whom or by whose committee any public-house was opened or any other form of corruption practised; and from that time to this no candidate of the Liberal Party in Rochdale has been allowed to canvass or to pay any portion of his expenses, and the borough has been so far purified that the action of the Liberal Party has introduced a very great reform on the part of their opponents, and I believe now that there is probably not a more incorrupt constituency in the Kingdom. That, however, was not because the people liable to be tempted were better than others also liable, but because the leading men of a Party—and now, I believe, the leading men of both Parties—are anxious absolutely to discourage and prevent any corruption whatever. I beg to say in the presence of Gentlemen who must know a great deal about it that all the Parliament and law can do cannot cure evils of this kind among the poor and abject and ignorant, unless the candi-

dates themselves and their friends and committees do all that lies in their power to make the law understood and the law respected. I am very glad that this Commission is to be appointed. I hope it will be able to go into this affair, and that Norwich at last may be lifted up from the mud of corruption in which it has been so long standing, and be made at least as respectable as the most respectable constituency in the Kingdom.

MR. COLMAN said, the House would believe him when he stated that it was with considerable embarrassment that he rose to address it on the subject under discussion. There was a wholesome rule that a Member should not take part when a matter in which he was personally interested was under discussion. This rule might be properly extended to the case of constituencies; but after the remarks of the right hon. Gentleman the Member for Birmingham, he begged the indulgence of the House while he stated a few of the facts of the case. The right hon. Gentleman had alluded to the fact that the law was not properly understood. It was the want of definition and distinctness which had caused much of the evil which had arisen. What had taken place in Norwich, he believed, arose from lax views on this subject, and not from corrupt motives. He had made inquiry in Norwich and was told that there were reasons in that city which might not apply to other places why a considerable employment of messengers was necessary. He was told that between October, when the register was made up, and the election in March, there had been 270 changes of residence in one ward alone. This ward represented about a fourth or fifth of the entire constituency. In a poor constituency like Norwich, removals were frequent, and hence the necessity of employing more messengers than were required in some larger and wealthier constituencies. Mr. Justice Lush had referred to the difficult position in which he was placed through the inquiry ceasing, or, rather, collapsing; but he (Mr. Colman), on behalf of his late Colleague (Mr. Tillet), wished the House to know the circumstances under which that inquiry collapsed, and he thought a useful lesson might be learnt from the statement he had to make. There was a clause in the Corrupt Practices Act which required a deposit of £1,000

*Mr. Bright*

to be made as a security for costs. He presumed that sum was named in order that it might represent a fair amount of security. He believed that at the time of the passing of the Act there was a hope that the cost of those petitions would be very much reduced. Unfortunately they knew that the cost of Election Petitions had not been reduced. At the outset of this inquiry the counsel for the petitioner intimated that his case would occupy at least three weeks. The petitioner was a man of whom he did not wish to speak in any way disrespectfully, but he was a man in the receipt of weekly wages which did not represent anything like £2; perhaps £1 10s. would be more like the mark. He deposited £1,000, but that sum was not found by himself but by some other gentlemen behind him. His counsel stated, then, that the case would take three weeks, and this the House would remember meant a minimum cost of £500 per day. That was to say, that Mr. Tillet had the risk of fighting for his seat at a minimum cost of nearly £10,000, and if he were successful he could only recover £1,000. However clever that course might be, it was not one that was conducive to justice or to the honour and dignity of the House. On the general question, he had simply to say that those with whom he acted, and many on the other side, did not shrink in any degree from this inquiry. While it might be a matter of great pain that the city should be subjected to the imputation, he trusted that good would come out of the inquiry. His belief was that when the Report of the Commissioners was presented, the aspect of the case would be different. He hoped at any rate that the inquiry would be a thorough one, and that it would be prosecuted with earnestness and vigour. He did not think that long inquiries were conducive to justice; for witnesses talked to each other, and if the inquiry extended over many weeks, the evidence must receive a colouring. He did not desire to enter into a discussion of any of the offences with which Norwich had been charged; but he wished to refer to a very useful Return made on the Motion of the hon. Member for South Leicestershire (Mr. W. U. Heygate) of the total expenses of each candidate, and the number of votes for each at the election for 1874. He

commended that Return to the notice of Members, who would see how much constituencies differed from each other. And while Norwich was not free from blame in the matter, it would be found that it was not blacker than a great many other constituencies. He hoped that hon. Gentlemen would look at it not only with the view of comparing the costs of constituencies, but of comparing the cost of one candidate with another; and it would be found useful to see what had been the cost per vote of the contests. He thanked the House for having listened to him so patiently. He hoped that this inquiry would be a complete and thorough one, and that Norwich would once again occupy the proud position it once held.

MR. BENTINCK said, it appeared to him that there was a good deal of hypocrisy in all these discussions on the subject of bribery. A strong opinion adverse to electoral corruption was always expressed in the House, and it was supposed that this sentiment was shared in out-of-doors:—but as far as his experience went he was inclined to believe that there was no feeling of moral turpitude either in or out-of-doors as regarded bribery. The right hon. Gentleman the Member for Birmingham had adverted to what he termed “the abject classes”—presumably the class of persons most liable to the temptations of bribery. But the right hon. Gentleman had long been distinguished throughout his brilliant career for his earnest efforts in lowering the franchise, and so had himself been the means of introducing the class of persons most likely to bring about the terrible calamity of which he complained. The right hon. Gentleman had endeavoured to cast the blame on the candidates; but he (Mr. Bentinck) had never understood that if there were two parties to an offence blame could only attach to one of them. The right hon. Gentleman had told the House most distinctly that the cause of this calamity was the lowering of the franchise in boroughs, of which he had himself been one of the most distinguished advocates. He (Mr. Bentinck) would contend that neither the House nor the country had any right to complain of bribery so long as the system of voting by ballot was retained. Was there one Member present who would rise and say that the ballot did not offer



opportunity to bribery? No doubt a case of corruption might now and then be detected under the ballot system; but for every one found out hundreds escaped discovery.

MR. RATHBONE said, he could not allow the remarks of the hon. Gentleman who had just sat down (Mr. Bentinck) to pass without making some observations upon them. The hon. Member's speech, if it meant anything at all, meant the palliation of those who, having wealth, education, and knowledge, exposed their poorer countrymen to the temptation of bribery. The hon. Gentleman was, however, as wrong in his facts as he was in his morality. One thing was evident, that where the higher classes had set themselves against bribery it had ceased to prevail. The right hon. Gentleman the Member for Birmingham (Mr. Bright) only gave an account as regarded his own borough, but it was such as other hon. Members could give of their boroughs. He was afraid it was known to too many that the town which he had the honour to represent, and which he should not have felt it an honour to represent at one time, was once as notorious for its corruption as it was now for its purity. [*Laughter.*] Well, he would say that it was once as notorious for its corruption as it was now remarkable for its purity. He believed that at the last few elections, on neither side, whether on the part of the candidates or those acting on their behalf, had there been any bribery whatever, or any money spent in drink. This result was produced by the expression of opinion, and determination on the part of those who had the welfare of the town at heart, that bribery should not be allowed to exist; and, if it were necessary, there would be no want of funds and determination to punish those who, having education, wealth, and other advantages on their side, should resort to a practice which—although contrary to the opinion of the hon. Member who had just sat down—he, for one, considered degrading to the man who practised it.

MR. NEWDEGATE said, the right hon. Gentleman the Member for Birmingham had stated that bribery must depend on the goodwill of the upper classes, and the hon. Member for Liverpool had just confirmed that statement. If it were true that the upper classes countenanced bribery, there was under

a system of secret voting no means of detecting that corruption. Corrupt practices could now be traced only when they were practised among the "residuum" of the population—under the system of open voting it was perfectly competent to trace corruption, if such existed, either to the upper or lower classes. He believed that the old system of open voting was abandoned simply because it exposed the corruption of the upper classes, and that the mode of taking votes by ballot would soon be found to be as efficacious here as experience had shown it to be in the United States.

*Motion agreed to.*

*Ordered,* That the said Address be communicated to The Lords, and their concurrence desired thereto.—(*Mr. Attorney General.*)

#### MERCHANT SHIPPING ACTS AMENDMENT (*re-committed*) BILL.—[Bill 116.]

(*Sir Charles Adderley, Mr. Cavendish Bentinck, Mr. William Henry Smith.*)

##### COMMITTEE.

*Order for Committee read.*

*Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."*—(*Sir Charles Adderley.*)

MR. T. E. SMITH, in moving the Amendment of which he had given Notice, namely—

"That, in the opinion of this House, no measure affecting Merchant Shipping can be deemed satisfactory which does not as far as practicable guard against ships sailing under foreign flags being at an advantage as compared with those under the British flag."

said, that when he had looked into the Bill he came to the conclusion that it was a very weak measure. Clauses had been introduced which would place our merchant shipping at a great disadvantage, yet it would not do much to promote the views that some persons had at heart. He thought the shipowners of this country had a right to be considered. When the right hon. Gentleman the President of the Board of Trade sacrificed his Easter vacation, and went about the country endeavouring to obtain all the information he could, it showed his earnestness in the work, and it was hoped from what he said, both in public and a private, that something would be proposed in the present Bill to alleviate the unpleasant and vexatious position in which the ship-

*Mr. Bentinck*

owners found themselves placed. In his opinion, it would have been far better if the right hon. Gentleman had at the commencement of the Session moved for the appointment of a Select Committee to inquire into the matter. By this time their investigation would have been concluded, and the House would have had a much more practicable Bill to consider. The measure now before the House would do very little good and very little harm. It would not materially affect either the sailors, the shipowners, or the merchants. An extraordinary change in connection with British shipping had taken place of late years. The passage to India had been much shortened by the construction of the Suez Canal, trade had been revolutionized by the introduction of steam, and the English Mercantile Marine had attained a pre-eminence over that of other countries such as it had never had before. Therefore, we ought to be specially careful lest by any legislative interference we should give a check to this progress. The shipowners did not desire a return to Protection—on the contrary, every ship coming into a British port, whether under a British or foreign flag, should be under the same rules and regulations. But, as the case at present stood, a foreign ship in one of our ports might be overlaid or unseaworthy, and we gave no protection to the crew, while the English shipowner was placed under burdensome restrictions and regulations. In fact, the foreign shipowner trading in English ports had advantages in every way which the British shipowner did not possess. This was not the way to encourage the growth of a vast commerce. In fact, the right hon. Gentleman himself seemed to be afraid that his legislation would have an injurious effect by driving ships into the foreign trade, for he had introduced clauses to impede the transfer of British ships into foreign hands. He (Mr. T. E. Smith) would like to know why the right hon. Gentleman had introduced clauses which would impede a British shipowner in selling his ship to a foreigner if he chose to do so? He feared that the Bill would interfere very much with the shipbuilding trade in this country. A great many foreign ships were built here, and when the shipbuilder wished to have a vessel registered as a foreign ship, why should he

be required to get evidence on the subject—it might be from China or San Francisco? Such clauses as these would require very great consideration in Committee. He came now to what he believed to be the best part of the Bill, and that was the clauses which dealt with the "advance notes." The general opinion of those who took a warm, practical interest in the welfare of the sailor was that nothing better could be done than to abolish the advance note, which simply enabled him to lead a life of debauchery for a few days, after which he went on board in a totally unfit state. We had heard much about unseaworthy ships, but had not so fully understood the question of unseaworthy crews. He himself had lately had a large ship going to sea, and every man of the crew had to be carried on board, and had to be looked after for 24 hours, until he had become sufficiently sober to undertake his duty. But here arose an important consideration—what was to become of the wives and families of the men? There were large numbers of sailors who were sober and respectable, and many of them had wives and families whom they were as anxious to support as Members of this House could be to support theirs. If the present law were to remain as it was with the additions this Bill proposed, they would have no means of providing for their families. At present there were two ways of doing so—the advance note, which was to be abolished, and the allotment note, by which the seaman's wife or relatives were able to get month by month payments not exceeding half the wages which the man had earned. But at present allotment notes were given only to the superior classes of seamen, such as the boatswain, carpenter, and so on. Unless the right hon. Gentleman was prepared to deal with this question of the allotment note, it would be the greatest injustice to allow sailors to go to sea while no provision was made for their wives and families. The Bill also gave an inducement to the "crimps" to ship sailors under foreign flags, because they need not to be taken before shipping masters and could have advance notes. In this way foreign ships would be placed in a better position than British ships. Then the Bill was bristling with penalties for breaches of discipline, and he doubted the wis-



dom of that. As a matter of fact, penalties were very seldom enforced; but we should not promote the security of our ships or the good feeling which should prevail between the officers and crew if we loaded the Bill with penalties. If, instead of heavy penalties, there were more moderate ones which could be easily enforced, we should, he believed, go a long way to insure better discipline on board our ships. It was also most desirable, in his opinion, that any plan for the improvement of the look-out on board should be adopted with the view of preventing collisions. As to the clauses which came under the important head of safety, he had already expressed it to be his opinion that the right hon. Gentleman had pursued the right line with respect to the question of loading ships; but, representing as he did a constituency which was composed almost entirely of shipowners and seamen, he was continually receiving letters pointing out the hardship in the case of ships which had been going to sea for years, carrying the same cargo and with the same draught of water, of the vessels themselves being stopped and the reputation of their owners impugned because some one chose to report that the ships were overloaded. There should, he maintained, be some way of ascertaining the views of the Board of Trade with regard to the depth to which a ship might be immersed. Ships were now very often improperly stopped, and then the character of the Government officer was saved by the shipowner being called upon to make some small and unimportant alteration in the loading. Shipowners ought not to be subjected to this vexatious interference. Among these safety clauses was a very extraordinary one, Clause 37, which indeed appeared to be a complete Bill in itself. It dealt with a question which was not connected with safety—he meant the question of the measurement of tonnage, and was based on views directly contrary to the recommendations of the Committee of the House before which the subject was fully discussed. The Committee were strongly of opinion that it was undesirable to interfere with the shelters which were placed on the decks of ships to protect passengers as well as cattle and the cargo, and that it would be well they should be made more substantial and permanent. Now, he objected to the

clause as an attempt to carry out by a sidewind a view opposed to that which that Committee had so decidedly expressed, and because it would have a retrospective action in defeating the decisions which had been already pronounced by two Scotch Courts, as well as by the House of Lords, on appeal as to the proper mode of measuring ships. It would, he thought, be a gross injustice on a shipowner who had expended thousands of pounds in making certain useful erections on board his ships, that he should be brought under the action of a clause which did not appear in the Bill on the second reading, and he hoped, therefore, the right hon. Gentleman would either withdraw or modify it very materially. As to the question of tonnage, he had no hesitation in saying that if the clause were to pass in its present shape, the whole Continental trade of the country would be carried on under foreign flags, because of the large quantity of fruit and other things which would require to be protected by deck-houses, which, if they were to be included in the tonnage measurement, would add 60 or 70 per cent to the tonnage of some vessels, so that it would be impossible for the British shipowner to compete with the foreigner. There was a time when the American Mercantile Marine was our greatest rival; but their marine had been so hampered and harassed by restrictions and regulations, that it had almost vanished from the seas: while the British, on the contrary, comparatively free, had continually and greatly increased. He might be told it was impossible for Government to interfere with foreign ships; but he could not adopt that view. Foreign countries interfered with the freedom of British shipping, and we interfered in the case of foreign ships carrying steerage passengers. He contended that the protection secured to passengers should be given to British seamen in foreign ships. In other countries a good deal more than this was done. In the United States and Canada—especially in New York and Montreal—very strict supervision was exercised in the loading of ships and everything connected with their seaworthiness. They were not allowed to sail if they were overloaded. He hoped, therefore, the right hon. Gentleman during the progress of this measure

*Mr. T. E. Smith*



would do something to guard against the possibility of British shipowners being placed at such a disadvantage as compared with the foreigner as would tempt them to put their ships under a foreign flag.

MR. GOURLEY, in seconding the Amendment, said, the proposal contained in the Resolution of the hon. Member for Tynemouth was not the re-introduction of Protection, or to give to British shipowners a superiority over foreigners, but by extending the provisions of the Bill, which now applied to British shipping only, to foreigners, in order thereby to place both on an equality, and so give an additional guarantee to free trade. The leading Governments of Europe virtually provided their merchant shipping with a supply of seamen by making sea service compulsory. They were compelled compulsorily to serve the State up to a certain age, and if they deserted from their ships in foreign ports they became outlaws, the consequence being that a German or a Frenchman scarcely ever deserted from his ship. The British Government not only did not assist the British shipowner in that respect; but in time of war they allowed his seamen to be pressed, and in time of peace to serve on board of Her Majesty's ships when required to fill up the requisite number of hands. Another ground of disadvantage was that British ships trading to foreign countries were made amenable both to the municipal and Imperial laws of those countries. In Russia, English seamen in the midst of winter were deprived of the use of fire after a certain hour if within a given distance of the quays, and they were compelled to send their food ashore to be cooked. A third ground on which British shipping was at a disadvantage was that the coasting trade of nearly all foreign countries was confined to vessels sailing under their own flag. The only way by which England could keep her position was to cause foreign and English shipping to be treated alike. It had been said that the maritime tonnage of foreign countries was so small that it was not worth being taken into account. Now, the real tonnage of British ships belonging to the United Kingdom, not taking into account the tonnage of colonial ships, was only 5,500,000 tons, and the tonnage of all European countries was no

less than 7,000,000. We had from 180,000 to 200,000 seamen. Half a century ago Germany had scarcely any ships, but now she had over 1,000,000 tons, and from 40,000 to 50,000 seamen. France had now over 1,000,000 tons of shipping, with 50,000 seamen. Italy had over 1,000,000, Turkey 1,000,000, and Sweden and Norway together over 1,000,000. So that this country had to contend with over 7,000,000 tons of shipping, and it was now proposed to place British shipping at a further disadvantage by imposing regulations that would not apply to foreign shipping. The ostensible object of the Bill was to obtain infallibility in point of sea-worthiness, but that would be impossible as long as there were winds and waves. With regard to seaworthiness, he believed the existing laws would be sufficient if properly carried out; and he held that what the Government should have done was to bring in a Bill to codify and simplify those laws. As the law now stood, it was impossible for anyone to understand it. Of the 474 ships detained under the existing Act of 1873 all were not detained because they were really unseaworthy. 32 were detained because they were alleged to be overloaded; but in several cases where the shipowner had the courage to resist the Board of Trade the surveyors of that Board turned out to be wrong; and nearly the whole of the remainder of the ships were detained in consequence of what was called technical deficiencies. For example, in reference to lights, the surveyors in different ports disagreed. Such regulations should be laid down by the Bill as should make such disagreements impossible. As to the load-line, there ought to be two load-lines, one for salt and the other for fresh water; and every ship should be certified before she was permitted to proceed to sea. With regard to advance notes, he believed them to be necessary—he thought it impossible to abolish them; but if they were forbidden, the “crimps” would charge sailors extortionate prices for cashing allotment notes, which would become more extensively used if advance notes were abolished. He wished to know why, if the right hon. Gentleman wished to deal thoroughly with this question, he had not taken measures to bring about an international Consular Convention.

In the port of New York alone as many as 20,000 seamen annually deserted from the British merchant sea service, and took engagements in the ships of other nations, where they received better pay, and neither the captains nor the British Consul had power to arrest them and send them back to their own ships. In consequence of this, shipowners were put to an immense loss, while the sailors were not in the least benefited, as they were beset by a number of crimps who fleeced them of their money. Again, if a seaman broke a contract, even when owing to causes which were beyond his own control, and was brought before a magistrate for it, the magistrate had no alternative but must send him to prison. He thought that law ought to have been repealed before the introduction of a Bill of pains and penalties like that which they were now discussing. The Government ought, when introducing a Bill amending the law relating to British shipping, to have repealed the law under which seamen were liable to be criminally punished for breaking a purely civil contract. The only offences which ought to be regarded as criminal were theft, a bad look-out, and the endangering of the safety of property. The clause which he had stated would have the effect of finding a shipowner a millionaire one day and a beggar the next had been removed, but the clause which had been substituted for it was very little better, and would bring about the ruin of the trade by making the shipowner responsible for matters over which he had no control.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, no measure affecting Merchant Shipping can be deemed satisfactory which does not as far as practicable guard against ships sailing under foreign flags being at an advantage as compared with those under the British flag,"—(Mr. Eustace Smith.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. GORST believed the Bill afforded a favourable opportunity for settling an important question. If it was not perfect in every particular, it was at least correct in its principle. The question was one in which a large class of the

people of the country took a strong interest, and it was no longer confined to the Board of Trade on the one hand and the shipowners on the other. There were some matters of detail which he thought could be amended in Committee; but there were others in which he could not at all agree. One of these last was the proposal to abolish advance notes. Much misapprehension prevailed on that subject. An advance note, instead of being a bill of exchange or promissory note, was simply an ordinary contract between the master or owner of the ship and the seaman, that the former would, after the latter had sailed in the ship, pay to his order a certain sum of money. It was a promise which only the seaman himself could sue upon, but a promise in respect of which, if the shipowner fulfilled it, he had a right to deduct the amount so paid from the seaman's wages when they became due. The advance notes, however, passed from hand to hand among the shipping community, almost as if they were bank notes. It seemed to him a most extraordinary thing that the Board of Trade, which had so long resisted the attempt by legislation to make ships seaworthy, should be so ready to attempt to do the far more difficult thing of making sailors provident. The system might be open to abuse, but he agreed with the hon. Member for Tynemouth (Mr. T. E. Smith), that the greatest obstacle would, by this part of the Bill, be thrown in the way of the honest and steady seaman making provision for his wife and family whom he left behind him. It was no doubt a bad practice for anybody to take an advance on his wages, but the thing was done in principle by hon. Members of that House when they took advances in one form or another upon their incomes. Why then, he asked, should they subject the seaman against his will to this paternal legislation and try to correct his idiosyncrasies by Act of Parliament? He, for one, could not understand the reason. Another difficulty was that if they put a stop to the advance-note system it would lead to the introduction of the truck system in its worst form, because, as many seamen shipped themselves when they were quite destitute of clothes, it would be necessary to enact that the master or owner might supply him with the necessaries for the voyage, and so command a monopoly for supply-

Mr. Gourley

ing an outfit with which he would otherwise supply himself by the money obtained on his advance note. As to the load-line, he thought it was a defect in the Bill that it did not define what was called "the ship's ordinary load water line;" and yet the shipowner was required by one of the clauses to paint certain lines on the side of the ship, which were to be at a particular distance from the imaginary ordinary load water line. The load-line ought not to be left to imagination, but ought to be actually painted on the ship's side. With regard to the proposed alteration in the law relating to measurement of tonnage, modifications might be found necessary in Committee, but he could not see what objection could be made to the principle of that particular part of the measure. By a recent decision of the House of Lords it was held that the space under the awning deck was not to be included in the measurement for tonnage on the ground that such a deck was not watertight. Now, he (Mr. Gorst) objected to any change of the law which would encourage shipowners to build their ships with unseaworthy decks. As to the compulsory survey of unclassified ships, shipowners and the Board of Trade held it would be impossible to carry out that survey. For his part, he was unable to see the impossibility of it. The larger proportion of ships being classed in Lloyd's, or some other register, those remaining were only some 3,000 or 4,000, and if a compulsory survey were carried out some of those vessels would be driven into some class or other, while others would probably be broken up; so that the residuum would be a very manageable number for the Government to survey. He would suggest that ships should be surveyed before, and not after, they were loaded and ready for sea, with a view of saving unnecessary expense to the shipowner. Vessels employed in the transport and Indian service were subjected to a most rigorous survey. He thought there was no ground for fear that the restrictions imposed by the Bill would interfere with the trade of the country; while as regarded the seamen its effect would be of the best possible character. Our seamen had never shrunk from peril at sea, and it was most unfair to make reflections upon them because they objected to go to sea in these vessels, which had been called

"traps" and "coffins;" and when all cause of fear in that respect was remedied a better class of men would enter the merchant service.

MR. D. JENKINS said, he thought the kind of unseaworthiness in question was very limited in extent, and that it might be remedied by legislation without infringing on the rights of any shipowner who endeavoured to send his ships to sea in a seaworthy condition. With reference to the penal clauses of the Bill he would remind the House that besides the causes of disasters owing to the unseaworthiness of crews, many losses could be clearly traced to the reckless and slovenly manner in which many of our merchant ships were navigated by their officers. He thought our shipowners were much to blame for their neglect in encouraging and fostering voluntary apprenticeship—had they done that there would have been no want of skilled seamen. The result of suspending an officer's certificate often was that he passed the period of his suspension in idleness, and returned much more unfitted to command a ship than he was when the accident occurred. Therefore, in the more flagrant cases it would be desirable to disqualify an officer altogether, while in other cases an officer ought to be compelled to serve a further apprenticeship and to pass a re-examination before being again entrusted with a command. He did not object to the employment of foreign seamen, many of whom would be naturalized and be useful in time of war. He hoped, too, our Government would give encouragement to training ships at our various outports—seamen could not be made like soldiers by a few months service—it took many years to make a sailor. The Acts on this subject were passed as tentative measures at a time of panic, and were never intended to remain permanently on the Statute Book. The greater number of the shipowners were men desirous of carrying on their business honestly, and they were opposed to overloading—he denied that as a class they were reckless of the lives of their seamen. The Bill would be, however, unsatisfactory unless it provided, first, for the periodical survey of unclassified ships, and, next, a more efficient remedy for the growing evil of overloading. With regard to unclassified ships there were first of all the vessels of a few great companies and firms, whose



affairs were conducted in a manner which must be satisfactory even to the hon. Member for Derby. Nothing could be more perfect than their crews and equipment; and as they usually carried passengers their ships came under the officers of the Board of Trade, whose survey was more stringent than that of Lloyd's. The next type of unclassified ships was those owned by small private shipowners. They carried cargoes of small value, and as they were kept up to a fair standard of efficiency the owners would not suffer from a periodical survey. The unclassified tonnage which really required periodical survey was that described in the Appendices to the final Report of the Unseaworthy Ships Commission—ships that had seen their best days, but which could be kept in a seaworthy state for many years if they underwent a periodical and careful survey. Not one shipowner or captain in 20 was competent to survey these ships for seaworthiness. It might, indeed, be said of a large proportion of this unclassified tonnage that neither the owners, the captains, nor the crews knew whether the ships were seaworthy or not, and the first intimation they had of their unseaworthiness was by their springing a leak at sea. This unseaworthiness could, however, have been readily discovered by a competent surveyor in time to prevent disaster. Among the casualties which caused the loss of ships, cases of stranding figured very largely. No doubt the best ships were sometimes stranded; but this casualty was more likely to happen to badly found and ill-manned ships. A large proportion of the vessels reported as lost, foundered, or abandoned at sea were either not classed, or classed in some Foreign Association, of which no trustworthy information could be obtained. A number of casualties could be traced to defective spars, canvas, and rigging, especially in the coasting trade. It was said that if the ships at present unclassified were obliged to submit to a periodical survey the responsibility of the shipowners would be to some extent removed. This might be true, but only in the same sense that the responsibility of a shipowner whose vessel was classed A1 at Lloyd's was removed. The President of the Board of Trade thought that an army of surveyors would be required to survey these unclassified ships; but he (Mr. Jenkins) saw

*Mr. D. Jenkins*

no necessity for a Government survey for this class of vessels. What objection could there be to a survey by the Local Marine Board of each district, whose report should be forwarded to the Board of Trade? It might be said that if local surveyors were appointed they might be exposed to undue influence or collusion with the shipowners of the port. If so, there was the Act of 1871 to fall back upon. He believed, however, that these surveyors would do their work honestly and give satisfaction, and the Government would be relieved of its responsibility. He believed that if this compulsory survey clause were put into the Bill very few ships after a brief period would be left to be dealt with under the Act:—the rotten and useless ships would disappear, while those that stood the survey would be enhanced in value from 20 to 25 per cent—there would be much less loss of life and property, and the country would be better satisfied. It should be recollected that the survey required for these unclassified ships would not be such as was expected in the case of first-class ships at Lloyd's. They did not usually take perishable goods, but they would be surveyed to see if they were tight, stanch, and strong, and able to stand a sea voyage. With regard to overloading, some sensational stories had been told as to the depth or want of depth of freeboard. Having had some experience, both at sea and on shore, he confessed he could not understand those cases. No doubt there was dangerous overloading in some trades, and screw steamers were sometimes loaded as if they were canal boats, and many of these vessels, when they met with exceptionally bad weather at sea, must founder. What he would suggest was, that the maximum draught of water to which a ship might be loaded should be submitted to the Board of Trade; that it should not be changed under any circumstances, and that it should be entered on the ship register. The danger at present was that ships were sometimes loaded to a line that no owner would dare to submit to the Board of Trade, and thus many disasters occurred which would not happen had the load-line been on the ships register. There were other clauses of the Bill to which he took some exception, but to which he would not allude further on that occasion. He was anxious to see a measure

passed which should be practical in its working, while at the same time it would prevent the unnecessary sacrifice of life and property so far as it was in the power of the Legislature to effect that object.

MR. MAC IVER thought the hon. Members for Tynemouth (Mr. T. E. Smith) and Sunderland (Mr. Gourley), were somewhat unreasonably afraid of foreign competition. It had fallen to him (Mr. MacIver) in past years to have had some experience of competition with foreign vessels in the passenger trade, and that experience had led him to the conclusion that there would be no difficulty in obtaining their compliance with reasonable regulations in regard to cargo as well as in regard to passengers. There was already, he said, sufficient precedent in the operation of the Passengers' Act, and at the present moment foreign vessels could not embark steerage passengers in British ports except under compliance with British regulations. That which was already done in regard to steerage passengers, he (Mr. MacIver) thought could equally be done in the case of foreign vessels competing with British vessels for ordinary trade. In expressing a hope that the Bill might be referred to a Select Committee, he said that a real necessity existed for much more complete revision of the laws relating to Merchant Shipping than anything which was contemplated by the present measure; and he thought that the number and importance of the Amendments placed upon the Notice Paper abundantly justified him in holding that opinion. On the second reading of the Bill, they were all agreed as regarded broad general principles; but it was now evident they were not equally agreed in regard to the means of giving practical effect to those principles. Thirty-four pages of Amendments, by 44 different people, having reference for the most part to technical details of shipping management, must, if gone into carefully as they deserved to be, occupy the attention of the House for a very considerable time. Such Amendments as sought to repeal existing laws, and suggested new clauses to take their place, were of very considerable importance, and there were many such; but there were others still more numerous, which, if considered in a Committee of the Whole House, could only result in prolonged discussion, and, perhaps, in the

end, frustrate the great object which they all had at heart. The objection might be urged that reference of the Bill to a Select Committee was now unnecessary, inasmuch as there had already been an exhaustive inquiry into the subject by a Royal Commission. It was true that a Royal Commission, composed of very eminent men, having very extensive powers, did investigate the subject; but theirs was, he (Mr. MacIver) maintained, by no means an exhaustive inquiry, and they did not exercise their powers. Liverpool was second to no port in the world as regarded steam tonnage; not even second to London itself, yet only two Liverpool steamship owners were examined by the Royal Commissioners; and one of those witnesses was his (Mr. MacIver's) father. There was no steamship owner in the world whose experience was greater than his father's, or whose views in regard to the essential conditions of safe navigation were entitled to more respect. Quoting his father's evidence from the official digest of the proceedings of the Royal Commissioners, he (Mr. MacIver) pointed out that nothing could be more emphatically at variance with the views which his hon. Friend the Member for Liverpool (Mr. Rathbone), and those who were working with him, persistently urged with so much ability. His (Mr. MacIver's) father told the Royal Commissioners in the plainest terms that overloading of steamers was of frequent occurrence, and could only be prevented by legislative interference; and in equally plain terms he told the Commissioners that such interference ought, in his judgment, to take the form of Government survey, coupled with the general adoption of a compulsory load-line. His (Mr. MacIver's) father told the Commissioners that there was no practical difficulty whatever in either branch of the subject, and that "he could not see that insisting on proper strength should hamper enterprise or improvement." These were his father's words to the Royal Commissioners, and he (Mr. MacIver) entirely agreed with him. Could anything be more entirely in harmony with the views of the hon. Member for Derby (Mr. Plimsoll) in regard to the direction in which alone legislation could be made effectual for the prevention of those disasters which they all deplored? He



(Mr. MacIver) maintained, therefore, that a real necessity existed for immediate legislation as regarded this branch of the subject, and that the hon. Member for Derby (Mr. Plimsoll) had done good service in keeping the question before the country. He (Mr. MacIver) desired again to impress upon the House that, unless in the rarest instances, it was an entire mistake to suppose that vessels were purposely lost. Take, for example, the steamers which had foundered during the past winter. The owners of these vessels, as he (Mr. MacIver) believed, never intended any of them to be lost. The ordinary law of the land would be able to reach them if they did. What was really required was a proper system of periodical survey in regard to vessels not bad enough to be stopped under the Act of 1873. Until there was such a survey, the owners of second-rate property would always remain only too ready to believe their vessels to be in better condition than they were: and similarly in regard to load-line. It was not necessary to assume intention to overload. On the contrary, he believed such intention rarely or never existed; but he maintained that those who were pecuniarily interested in a venture were not always the persons best qualified to judge. They might wish to form unbiassed opinions; but it did not follow that they could do so. Nor would the opinions of some shipowners in regard to depth of loading or other conditions of seaworthiness be practically worth much even if they could. The Board of Trade already attempted too much surveying, but there was no reason why such work should not to some extent more than at present be entrusted to the registry societies. If a Select Committee were now appointed it would have the advantage of being able to consider not merely the Report of the Royal Commissioners, and the evidence upon which such Report was based; but it would have the further advantage of being able to consider the still more valuable evidence furnished by the Amendments which had been placed upon the Notice Paper. It might be taken that the views held at every seaport in the Kingdom had been carefully expressed with something like legal precision in those Amendments. He (Mr. MacIver) believed that if the whole subject were now referred to a

*Mr. MacIver*

Select Committee the remedies proposed by the hon. Member for Derby (Mr. Plimsoll) would easily be reconciled by such Committee with the principle of the Government Bill. There was, he said, considerable misconception on the subject, even amongst hon. Members who had taken a prominent part in these discussions. Referring to the arguments made use of by his hon. Friend the Member for Liverpool (Mr. Rathbone), upon the occasion of the second reading of the Bill, he (Mr. MacIver) pointed out that such argument was based on premisses which were entirely mistaken. The Cunard Company had been successful not under the conditions described by his hon. Friend (Mr. Rathbone), but precisely under the conditions which his hon. Friend said would have made success impossible. In earlier days the Cunard steamers were to all practical intents and purposes paddle-wheel frigates, and, until recent years, their postal service had been conducted under a supervision from the Admiralty far more stringent than anything which even the hon. Member for Derby (Mr. Plimsoll) had ever dreamt of. He (Mr. MacIver) was not one of those who "call out loudly" as suggested by his hon. Friend (Mr. Rathbone) for Government direction and control; but he did earnestly believe that in some respects the recommendations of the Royal Commissioners were utterly mistaken. The principles of survey and of responsibility were in his (Mr. MacIver's) view perfectly reconcilable. They inspected passenger steamers, railways, mines, and factories, and in all cases with good results; and it was clear therefore that the proposals of the hon. Member for Derby (Mr. Plimsoll) could not successfully be resisted by such reasoning as that of the hon. Member for Liverpool (Mr. Rathbone) and those who were working with him. He was very glad to be able to pass on to a matter in which he could very heartily and cordially agree with his good Friend the hon. Member for Liverpool (Mr. Rathbone). His hon. Friend presented sometime ago two Petitions from the Liverpool Steamship Owners' Association, which had been published and widely circulated, and which he (Mr. MacIver) thought were of considerable importance, and entitled to very great respect. It was true that they had been

adopted at a very small meeting attended principally by representatives of limited liability companies; but the Petitions, nevertheless, might be taken as fairly representing views which were largely held. Shipowners had nothing to gain by a Government supervision of their ships; very few shipowners desired it; and, as it would be more or less troublesome to them, they would rather be without it; but he thought it was necessary. He (Mr. MacIver) was no believer in the idea of preventing disasters by intensifying the responsibility of shipowners; but, at the same time, he did not desire to oppose such legislation if it could be made a reality. He thought, however, that personal responsibilities were at present somewhat undefined; but, having regard to the prayer of the Petitions from the Liverpool Steamship Owners' Association he had placed Amendments upon the Notice Paper providing that, in the case of limited liability companies, two at least of the directors should be compelled to place themselves within the position of responsibility asked for by the Association. Responsibility, he said, should be fairly and equally applied, but having done all that was possible to be done in that direction, it would still be necessary to fall back upon the principle of survey combined with that of load-line. The necessity of legislation in regard to load-line which the hon. Member for Derby (Mr. Plimsoll) had urged so long, having now been admitted, in some form or other, not merely by the right hon. Gentleman the President of the Board of Trade, but by almost every shipowner in the House of Commons, it was idle to fight against such legislation. But he (Mr. MacIver) did most earnestly urge that the principles of load-line and of survey ought to be considered together. He desired to point out that depth of loading was only one of several conditions on which seaworthiness depended. He considered that inferior vessels of insufficient strength contained less weight of material in themselves than heavier vessels of better construction. It was therefore, in his view, absolutely necessary—if legislating in regard to load-line—to legislate also in regard to the inspection of vessels not already sufficiently surveyed by registry societies. Seaworthiness was not a mere question of freeboard. He (Mr. MacIver) had only

recently returned from ship-building ports where he had seen models of vessels ordered with a view to legislation based on the principle of load-line. If such legislation were adopted it would lead to the construction of vessels built—not merely of insufficient material—but with higher sides than they ought to have with a view to comply with such conditions. He ventured to impress upon the House that, however desirable it was to legislate with respect to load-line, as he believed it was, it was an entire mistake to suppose that the seaworthiness of vessels depended entirely on the question of load-line. Load-line ought not to be lost sight of; but it should only be considered in connection with the quality of the ship, with her general arrangements, and with the sufficiency of the material of which she was constructed. He concluded by saying that he had no desire to press his Motion for a Select Committee. Those who had greater Parliamentary experience than he would be better able to judge whether the present measure could be brought into a satisfactory form without such reference; but, if a Select Committee were appointed, he (Mr. MacIver) earnestly hoped they would report speedily in regard to the questions of load-line and survey, in order that legislation might take place this Session. And he thought that the consideration of the other questions might stand over until next year.

MR. PALMER thought the Bill introduced by the Government sufficiently comprehensive to enable the House to make a very useful measure of it, and he could bear testimony that the right hon. Gentleman who had charge of the measure had devoted much time and consideration to it, and had undertaken some arduous journeys in order to ascertain the opinion of the most experienced persons in our large shipping ports on the subject with which it dealt; and he trusted the right hon. Gentleman would not be deterred from attempting to carry it through Committee by the very large number of Notices of Amendments which had been placed on the Paper. The subject, in its leading aspects, had already been discussed at such length that he did not intend to detain the House. He was glad that a serious effort was to be made to improve the existing law—for it must be remem-



bered that the legislation of 1873 had been undertaken at a time when the public mind had been much excited by the hon. Member for Derby and others, and since that time an agitation had been kept up which had caused great anxiety to the shipping interest as to the future. The shipping of Great Britain, it ought not to be forgotten, had in modern times undergone a very great and important change. The old sailing ship, which carried few hands and comparatively little cargo, had given way to the great steamers, which carried many persons, crew, and passengers, and much cargo; and any accident to one of those steamers caused a sensational feeling to spread all the country over, and caused a loud outcry for immediate legislation. It was beyond doubt the duty of the House and the country to do all in their power to reduce, as far as possible, the number of those accidents. Accidents to steamships were not in proportion to their number more numerous than to sailing vessels; but, however that might be, what the shipowners desired was to see the law so amended that they might distinctly know the conditions they were required to fulfil in carrying on their business. He knew that as a body they were as desirous as the hon. Member for Derby, or anybody else, to reduce the number of accidents and the loss of life and property at sea. There were some details which would require careful consideration. For instance, was the proposed load-line to be applied to the coasting trade as well as to the general trade? If it was, the whole of the coasting trade in the North of England would be put under very serious embarrassment—indeed, it would be almost impossible under such new conditions to carry it on. He was glad, however, that the Board of Trade had decided to have a load-line of some character, as he believed that a load-line could be fixed for all ships under all circumstances. At the same time, he entirely approved of a general survey by an independent and efficient staff of surveyors on the Board of Trade without the assistance of any other institution. Each ship should be separately surveyed in order to fix the load-line, and that once done it need not be altered for many years, unless some great change took place in the vessel itself. He did not wish to make any distinction in these

cases between summer and winter. If a ship could not be navigated under all circumstances, she should not be navigated at all. He knew there was some excitement in the House on the subject of advance notes, but he hoped the President of the Board of Trade would persevere and not withdraw this clause—it was the only way of keeping the seamen out of the hands of crimps; and it enabled the men to make arrangements by which their wives and families were maintained while they were on a voyage. He believed when the advance note system was done away with it would find its own cure—seamen would rely upon their character instead of being carried away by the wretched persons who lived upon them. In giving up advance notes, however, he must express a decided objection to reverting to the truck system, the revival of which would be a great evil. As to the Amendment of the hon. Member for Pembroke (Mr. Reed) with reference to the testing of iron, he believed if that passed it would deal a most serious blow to shipbuilding, for it would make it impossible for the English iron shipbuilder to compete with foreigners. He hoped the measurement clause would be expunged, for he thought if the question of measurement was to be undertaken it ought to be undertaken in connection with foreign Governments, and the Bill dealing with it ought to be a separate piece of legislation. They could never reach a high scale of perfection until they had better seamen, and he thought more ought to be done through training-ships to supply the merchant service with properly-educated and well-conducted seamen.

SIR JOHN HAY, who had given Notice of a Motion—namely—

"That no legislation on this subject can be considered satisfactory which does not propose to amend Schedule (C) of the Merchant Shipping Act, 1862, 'The Rule of the Road at Sea,'" said, that most of the subjects referred to in the discussion were very fit to be dealt with in Committee, and therefore he would not refer to them; but there was one cause of loss of life at sea—and a very fertile cause—which had been alluded to by the hon. Member for Sunderland (Mr. Gourley) to which he particularly desired to draw the attention of the House—he meant collisions. Not only was loss of life from that cause much greater than it

ought to be, but it was continuously increasing. He held in his hand a communication made to him by a well-known officer of Lloyd's, from which it appeared that while in 1866 the loss of life from collisions was 1,958, it was 2,843 in 1873—the last year for which we had a Return. The increase of collisions had been gradual, and he was assured—though on that point he had not verified his information—that it was larger than the increase in our merchant shipping. Therefore the present regulations for the prevention of collisions had not had the good effect which they ought to have had. The number of collisions in 1866 was, as he had stated, 1,958; in 1870 it was 2,290; in 1871, 2,561; in 1872, 2,627; and in 1873, 2,843. He thought this evidently proved that some change was necessary in the "Rule of the Road at Sea." The Board of Trade, or, rather, the Foreign Office, had had their attention called to the lamentable loss of life at sea by no less than three of the foreign Governments of Europe. He held in his hand a Return, dated August, 1874, which was a copy of a report on steering and sailing rules—"the Rule of the Road at Sea." In this correspondence, which had been laid on the Table by his right hon. Friend, there were communications from the Government of the Netherlands, the Government of France, and also from Denmark, calling attention to the unsatisfactory condition of what was known as the "Rule of the Road at Sea;" and praying that such changes should be made as seemed to be necessary. Among the Notices of Amendment on this Bill, he had ventured, at the desire of the Board of Trade, to place his opinion as to an amended Rule of the Road at Sea in a consolidated form; but the Amendments were not so considerable as they looked on the Notice Paper. In the Return which had been placed on the Table would be found a communication from the French Government containing an account of the deliberations of the French Legislative Assembly which our Representative at Paris had thought sufficiently important to communicate to the Foreign Office. It appeared that a most important Committee had been appointed by the French Legislative Assembly upon this subject, a considerable number of changes were recommended, and it was thought necessary that immediate action should be taken.

The Board of Trade had always rightly said that what was called "the Rule of the Road at Sea" had been adopted by 33 Governments, and it was most difficult to make changes without the consent of all those Governments. Until this year there was no information before the House that the Board of Trade had been called on by foreign Governments to make the changes which persons who had considered the subject thought desirable. But they were now called on by the French Government as soon as might be to consider the changes which were necessary in "the Rule of the Road at Sea." If the subject was of such importance in the eyes of foreign Governments, he might be excused if he again urged on our own Government the necessity of amending that rule for the safety of life and property. The Paper to which he referred gave in three columns the existing regulations, the Board of Trade suggestions, and the French suggestions. He could not say that the French suggestions were *totidem verbis* the same he had placed on the Notice Paper; but the particular clauses in which the French Government suggested changes were those which he also desired to modify. He had ventured on a former occasion to suggest that his right hon. Friend the President of the Board of Trade should appoint a Royal Commission to take into consideration not only the proposals he ventured to make, but other suggestions, and to communicate with the Governments of France, the Netherlands, and Denmark on the subject; and he hoped that his right hon. Friend, if not able to appoint a Commission, would nominate a Committee to investigate and report what changes were necessary, so that Schedule C should be amended to give more confidence both to foreign Powers and ourselves. He hoped his right hon. Friend would be able to assure the House that steps had been taken which would be satisfactory, not only to this country, but to foreign countries, to save our shipping from the scandal arising from the loss of life and property which to a large extent was attributable to errors connected with the present "Rule of the Road at Sea."

SIR ANDREW LUSK said, he had no desire to delay the House getting into Committee on this Bill; but, referring particularly to Clause 9, having reference



to the issue of advance notes, he must appeal to the right hon. Gentleman whether it was worth while to annoy the shipping interest by insisting on it? Why, in the name of common sense, of charity, of justice, pass such a law as this? It was arbitrary and tyrannical. Why should not shipowners and sailors be allowed to make contracts like anybody else? The shipping trade of this country was very important, and it ought not to be supposed that those who were engaged in it were all children or knaves, and that that House only knew everything about it. He knew that there was bad conduct on the part of some sailors; but it was a principle of law, as of charity, to let ten bad men escape rather than run the risk of punishing one innocent one. As to the effect of the present measure upon the carrying trade—he might state that our timber-carrying trade had entirely gone into the hands of foreigners, and, unless we were careful with our legislation, other branches of our trade would be lost also. It was not by placing our shipping interest in leading-strings that we could hope to maintain our position as a great maritime nation. Was it a proper thing for a free country like this that the Government should take the whole management of our Mercantile Marine entirely under their charge, and that shipowners should not be able to do a single thing without an officer of the Board coming down to the docks to examine and tell them what they were to do? He knew the Government was a good deal forced into action of that kind by the cry on the part of the public for legislation; but he hoped the House would not insist on the Government undertaking the management of everything and telling everybody what they were to do in the way of business. If they did, then the responsibility would be thrown on the Government, and they might also bid good-by to our great trade and to our supremacy at sea.

SIR CHARLES ADDERLEY said, he fully sympathized with the desire of the last speaker that the Government should interfere as little as possible with the Mercantile Marine of this country, and also with his wish that they might speedily go into Committee. But the House was now asked, instead of going into Committee, to pass an abstract Resolution declaring that they should guard as far as possible against ships

sailing under foreign flags being put at an advantage as compared with British ships. If there was any pleasure in passing abstract Resolutions, they might pass one more abstract still, omitting the reference to shipping, and saying that they should guard against foreigners under any circumstances being placed at an advantage over Englishmen. But such vague and general declarations were useless and unmeaning. The debate on the second reading was characterized by everybody as "a Committee debate," every speech having been directed, not to the principle of the Bill—on which the House was generally agreed—but to the applicability of each clause to the carrying out of that principle in detail. He now appealed to the common sense of the House whether the same thing might not be said of the lengthy speeches which they had heard that night, and whether there was any practical advantage in prolonging that discussion out of Committee. The hon. Member who moved the Resolution (Mr. T. E. Smith) said he was disappointed with the Bill, because he thought it would have saved the shipowners from more interference by the Board of Trade; but he (Sir Charles Adderley) could show that the clauses of the measure would have that effect, and would introduce a self-acting system which would relieve the Government of their most unwelcome, dangerous, and difficult task of interference. For instance, it was said that the Government surveyors should not arbitrarily stop ships which they considered to be improperly loaded: what the Government wished and what the Bill proposed was that the shipowners themselves should state their load line for every voyage, record it, and not load beyond it. Then the hon. Member said they most unnecessarily interfered with the transference of British ships to foreign flags. That was not the case;—they only proposed to interfere with fraudulent transfers made with a view to evade liability. The discussion had turned much on the 9th clause, which he hoped would be debated that night in Committee. He agreed in the description given by the Mover of the Resolution of the advance note, which it was proposed to prohibit, and which he denounced in the same strong terms, or stronger, as the Royal Commissioners,



on whose Report the Bill was mainly founded. The hon. Member for Birkenhead (Mr. MacIver) suggested that they should not abolish the advance note in England, but call upon foreign Powers by a Convention to put an end to it abroad. But surely they ought not to ask others to do what they would not begin by doing themselves, and setting an example. He would not reply to all the speeches that had been delivered by hon. Members, but he must demur to the proposal of the hon. Member for Birkenhead, who asked them to refer the Bill to a Select Committee, and thus commence a prolonged inquiry *de novo*. Now, he (the hon. Member) had not long been a Member of that House, and perhaps had not had time to study two folio Blue Books containing the Report of the Royal Commission, or he would have known that there was hardly any subject which had been so thoroughly sifted as that now before the House. It had been investigated by most able men, presided over by the Duke of Somerset, whose impartiality and judicial tone of mind pre-eminently qualified him for the inquiry. The Commission drew evidence from all parts of the Kingdom and from all classes of men acquainted with the subject. The hon. Gentleman said Liverpool was not duly represented among the witnesses; but if he looked through the list of those examined he would find that that most important port made its full contribution to the body of evidence taken. The right hon. and gallant Member for Stamford (Sir John Hay) had brought forward another important subject—namely, “the Rule of the Road at Sea”—which, though connected with the subject of merchant shipping generally, was scarcely relevant to the Bill itself. It was enough to say, with regard to this matter, that it was at present before a well-constituted Departmental Committee. He would hardly be justified in anticipating the report of that Committee by expressing any decided opinion of his own upon the subject. The Rules of the Road at Sea ought not to be hastily changed. Even bad rules which were universally known were better than good rules which were not generally known. Changes must be made in concert with other nations. The existing rules had been framed under the Act of 1862 in concert with France,

and had since been adopted by all the other maritime nations in the world. Under that Act Her Majesty had power to alter the rules, but it had not been thought fit to make any change in them. After the Departmental Committee had reported, and foreign Governments had been consulted, the Board of Trade would put itself in communication with the Admiralty, and under the powers of the Act of 1862, any amended rules would be brought into force. He hoped, under these circumstances, that there would be no further discussion on this subject, and that the House would now go into Committee on the Bill.

Mr. BENTINCK said, his right hon. Friend (Sir Charles Adderley) seemed to have discovered that discussion of this subject was extremely inconvenient, but he (Mr. Bentinck) was unable to assent to the wish of his right hon. Friend, and he trusted that before the House went into Committee on the Bill every hon. Member who felt interest in the matter would express his opinions upon it. The right hon. Gentleman had told them that the question had been thoroughly sifted. Now he would tell the right hon. Gentleman that, however much it had, in his opinion, been sifted, they had very little grain and a great deal of chaff. As to the proposition of the hon. Member for Tynemouth (Mr. T. E. Smith), he declared that the first serious blow which had been struck at the Mercantile Marine of this country had been the repeal of the Navigation Laws, and that until a large part of these laws had been re-enacted, the Mercantile Marine would not be placed upon a proper footing. The right hon. Gentleman had passed over all the most important parts of this great question. The great fault of the Bill was in the omission in not dealing with those important parts of the question with which it was expected to deal. As regarded the question raised by the right hon. and gallant Gentleman the Member for Stamford with respect to the Rule of the Road at Sea, there had been so much blundering in determining it, and so much loss of life had ensued in consequence, that the sailors spoke of it as “Going to—the infernal regions—by Act of Parliament.” What he most objected to, however, was the modification of the discipline clauses. Even now they were not sufficiently stringent. If a man broke into the spirit-room with

a light in search of spirits and fired the vessel, he escaped without any punishment at all. Again, as another instance of the present discipline laws not being sufficiently stringent, the man who kept a bad look-out, and thereby endangered the safety of the ship and crew, could be only punished by a month's imprisonment, which was no punishment at all; and unless the House was prepared to require much more stringent discipline on board our merchant ships than we now had, they would entirely fail in the main object they had in view—that of preventing the loss of life and property at sea. He would, however, support the Motion for going into Committee, and have all those matters dealt with there.

Mr. MACGREGOR said, he was as anxious as anyone to go into Committee on the Bill, but it was only right to call the attention of the House and of the President of the Board of Trade to the fact that after a lengthened disappearance this Bill had re-appeared almost as a new Bill, and really contained provisions which they had not previously heard of. He especially complained of the 37th clause relating to measurement. The Preamble of the Bill declared that there were doubts existing as to the law of the land in various matters, and it contained a series of gross misstatements. In whose mind, he asked, had these doubts arisen? There was certainly no doubt as to the law of the land, for on the 15th March, 1854, the House of Lords came to a decision as to the legal responsibility of owners in reference to the measurement of their ships. A Special Committee of the House had also arrived at a decision upon the point, which was totally adverse to the proposition brought forward in this Bill. He should be very glad if the Government would re-consider the clause dealing with this subject, and if possible withdraw it before going into Committee; first on account of the promise which they made to the hon. Member for North Durham (Mr. Palmer) not to legislate upon the point this year; and next, because after the decision of the House of Lords facts were misstated in the Preamble. He believed, taking all things into consideration, it would be better to send the Bill to a Special Committee, notwithstanding the sneers with which the President of the Board of Trade greeted the proposal of the hon. Mem-

ber for Birkenhead, whose name, though he was one of the youngest Members of the House, was sufficient to guarantee that he must know something of shipping, and who 11 years ago had been chairman of a committee of shipowners in the largest port in the world. He believed by passing the clause they would be encouraging the construction of a very bad class of ships. He did not wish to occupy time, but simply to call attention to the propriety of the clause being removed from the Bill, because if a Measurement and Tonnage Bill were required it had better be referred to a Select Committee, which would be the course the House adopted last year. After the many weeks' labour and the careful attention which the Committee of last year paid to the subject, the course which had been adopted could not be regarded as a compliment to them, notwithstanding the fact that the President of the Board of Trade had from time to time spoken very highly of the services they had rendered. It was said at the time that the Bill as it had been amended would be adopted by every maritime nation in the world; and yet when it came down again to the House it was postponed for a year, on the ground that it would be well to study the Report of the Royal Commission, and they now saw the result. He thought the 37th clause should be expunged from the Bill—first, because it was a breach of promise; secondly, because it was totally opposed to the judgment and opinion of the House of Lords; thirdly, because there was no doubt existing in the minds of anyone as to the state of the law except the officials of the Board of Trade; lastly, he thought, in deference to the Report of the Select Committee, the clause should be left out, because the House, as they had lately seen, was always chary of reversing the judgments of the Committee.

Mr. PLIMSOLL said, the House would not be surprised to hear that he had a good deal to say on the subject under discussion. As, however, he could say what he had to say much better in Committee than he could then, and as he was anxious the House should proceed to consider the provisions of the Bill, he would await the opportunity to which he had referred.

Amendment, by leave, *withdrawn*.

*Mr. Bentinck*

Clause 6 *postponed*.

Clause 7 *agreed to*.

Clause 8 (Rule as to names of British sea-fishing boats).

MR. DALWAY moved, in page 3, line 17, to insert—

“A vessel employed in the coasting trade of less than eighty tons registered tonnage not registered as a British sea-fishing boat shall be exempt from the provisions of this Act, save and except as it refers to her lights and boats.”

SIR CHARLES ADDERLEY thought it a monstrous proposition that those vessels should be exempted from all the provisions with respect to seaworthiness.

MR. NORWOOD counselled the withdrawal of the Amendment now, but said he should be quite prepared to give, at the proper time, excellent reasons why these small coasting vessels ought not to be placed in the same category as larger vessels.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 9 (Advance notes illegal).

MR. HAMOND moved the omission from the clause of all the words from line 20 to 29, both inclusive, contending that they would injuriously interfere with the law of contract in shipping matters by the abolition of advance notes, and tend to introduce the abominable system of truck.

MR. T. BRASSEY said, that the clause was founded upon one of the strongest recommendations of the Royal Commissioners, who said in their Report that—

“Unless this mischievous mode of prepayment was abolished the sailor could never be raised from a state of servile dependence on crimps, and taught to rely on his own industry and intelligence.”

There was a general concurrence of opinion throughout the country in favour of abolishing advance notes, which enabled seamen to spend all their money and then to embark without any outfit at all: As to a seaman providing for his family, that he could do by means of allotment notes.

MR. MAC IVER admitted that advance notes tended to degrade the sailor, but he did not see how they could be altogether dispensed with.

MR. SAMUDA said, that many ship-owners thought that advance notes could not be altogether done away with, and the sailors were of the same opi-

nion. Would it, under these circumstances, be wise to abolish them? To provide slops on board would create great evil in the case of small owners, who would force sailors to take many things which they did not really want. He hoped that the clause would be reconsidered.

MR. HENLEY was very glad that this Amendment had been proposed. He did not see why they should interfere between master and man in this matter. If the master would make the advance, and the man wanted it, what right was there to say that this should not be done? It would act cruelly on the side of the seaman. He naturally stayed with his wife and family till all the money was gone. He went to sea again when his pockets were empty, and then but for the advance note the wife would be left without a farthing, and the husband would be able to buy nothing for himself. It was said she would receive her monthly money; but until she could get her monthly note she must go on “tick;” and so on, month after month, until the end of the chapter. The owners who did not like to give advance notes might refuse to do so, but let those who liked to give them do so. He should heartily support the Amendment.

MR. A. PEEL felt great difficulty in the face of conflicting opinions in deciding upon this Amendment—the question really was, whether advance notes on the truck system was the worse of the two? This was the first time he had heard the system of advance notes defended as a means of support to the wife. He would venture to say that not a penny of the advance went to the man's wife and family or was spent otherwise than in riot and debauchery, and that the system weakened the character of the seamen and prevented the shipowner from getting good and trustworthy men. Twenty years ago Mr. Lindsay stated that advance notes tended to induce desertion. He should certainly vote for the proposition of the Government.

MR. RITCHIE thought that if advance notes were made legal—which they were not at present, for they could not be sued on till the end of the voyage—the seaman would be able to get full value for them, and would be comparatively secure from crimps. If the shipowner was willing to advance to the



Question put, "That those words be there inserted."

The Committee *divided*: — Ayes 39; Noes 187: Majority 148.

THE ATTORNEY GENERAL proposed, after the word "owners," to insert "if the sale be by owners," in order to meet the objection which had been raised by the hon. Member for Hull (Mr. Norwood).

MR. MACGREGOR asked why the law should be altered at all? He had had a great deal of experience in shipping, and never found any flaw in the Act. The result of the alteration would be to land the law in utter confusion, and he thought the best way would be to expunge the clause altogether. He should like to know who had suggested such a clause as this to the right hon. Gentleman. Their object should be to legislate for seamen, and not for mortgagees.

LORD ESLINGTON said, it was the duty of the Minister in charge of the Bill to explain its nature; but in this case nine more clauses containing new matter had been introduced since the Bill was brought in, and such a proceeding was most unusual, and fraught with such immense inconvenience that he must protest against it. If the Bill were in danger it would be in consequence of the adoption of the course he had referred to, and therefore he thought the right hon. Baronet would do well to withdraw all these clauses.

MR. ALFRED MARTEN said, that this clause, in the case of a sale of a ship or the part of one, was to prevent the closing of the register without the consent of all the owners for the time being in the ship.

MR. GOURLEY said, it would be better if the right hon. Gentleman would withdraw the clause. The owners of 63-64ths of a ship could not bind the owner of the remaining 64th. The clause was quite unnecessary.

MR. MAC IVER opposed the clause.

MR. MACGREGOR said, the clause would lead to no end of trouble and leave everybody in confusion.

SIR CHARLES ADDERLEY reminded his noble Friend (Lord Eslington) that he had avowedly had the Bill committed *pro forma* with a view not only to add two new clauses to the Bill, but also such of the Amendments on

the Paper as he could accept; his object being to render the Bill so comprehensive of all additions generally called for to existing statutes that further legislation on the subject would not be required for some years to come. There seemed to him to be a very great omission in the principal Act on the point under discussion, which required to be supplied; but in the present state of the discussion he proposed to postpone this and the 6th clause with the view of bringing up on the Report a redraft which would meet the objections that had been made.

Amendment, by leave, *withdrawn*.

Question put, that Clause 5 be postponed?

MAJOR O'GORMAN: I protest against the disgraceful scene which is now going on. ["Order."]

THE CHAIRMAN: I have to point out to the hon. and gallant Member that the expression which he has just used is one never employed by Members in this House.

MAJOR O'GORMAN: Then I withdraw it. But I say it is a most extraordinary circumstance to find a Minister of the Crown incapable of expressing himself. ["Order."] The right hon. Baronet has not attempted to reply to the strictures which have been passed on the clause, but he turns round to the Attorney General and asks him for his advice. Such a state of things was never known before. The oldest Member in this House cannot remember anything of the sort. The right hon. Baronet does not answer arguments; he relies on his majority, and I want to know whether that is a proper course to pursue? I think the Prime Minister ought to have officers under him who can reply to strictures.

THE CHAIRMAN: I have to point out to the hon. and gallant Member that the question before the Committee is whether Clause 5 should be postponed.

MAJOR O'GORMAN: Well, I will go on. It now appears that the right hon. Gentleman withdraws his clause altogether. We do not know what we are doing at all. I ask whether this House has been treated properly on this important subject by the Ministers of the Crown to-night? I say they have not.

Question agreed to; Clause *postponed*.



Clause 6 *postponed*.

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sailor what he required, there was no reason why he should not do so.

MR. EVELYN ASHLEY unhesitatingly said, that the abolition of advance notes was the first and indispensable step to render the sailor respectable, and improve the *morale* of our Mercantile Marine. The evidence before the Royal Commission had shown that the system of advance notes was full of evil both to the seaman and the shipowner. No witness before the Commission had spoken in favour of the system.

MR. MACDONALD said, that the House had interfered between employer and employed in many Acts of Parliament, and had done so very beneficially. They had been told that one of the great causes of the demoralized condition of our seamen was their improvidence. Well, the Government had wisely taken a step in the right direction to put an end to that improvidence as far as they could, and he trusted that the right hon. Gentlemen would keep strongly to that point. He believed that most of the Petitions got up against this proposition were the concoction of the crimps.

LORD ESLINGTON said, that as one of the Royal Commissioners, he could assure the Committee that the Royal Commissioners went fully into the question, and formed their judgment after hearing all the evidence. If one branch of the subject was exhausted more than another it was the question of advance notes. There was an accumulation of evidence in favour of their abolition, and all the shipowners who were examined condemned the practice. Most of them agreed that great inconvenience would no doubt at first arise on their abolition, but none of them defended the system. If the system of advance notes was continued they ought to be made payable at a longer date than at present. He should certainly stand by the Report of the Commission, and vote for the clause. If the masters did not object to it and the seamen asked for it, both parties were agreed. The men, no doubt, had been so long accustomed to the system that its abolition would be felt at first as an inconvenience; but if it was found to be injurious it ought to be abolished.

MR. NORWOOD said, there was a great conflict of opinion on the question. He fully admitted that in many cases

advance notes were abused, but, all things considered, he did not think the House would be justified in taking so forcible a step as abolishing them merely at the beck of the Government. If the custom were to be modified, it ought to be modified by degrees, and he had placed an Amendment on the Paper that an advance note should not be granted for more than a fortnight's wages.

MR. MACGREGOR observed that for the present he could not see how advance notes could be abolished.

MR. SHAW-LEFEVRE said, that when in 1870 he prepared the Merchant Shipping Bill he made inquiries at almost every important port, and the evidence showed that the advance note was the parent of many evils; but, at the same time, it was a great convenience to the sailor. Not all sailors made a bad use of it. He thought it would be desirable to ease this question down by slow degrees, and to limit the advance note to one fortnight at home and one month abroad.

SIR CHARLES ADDERLEY said, that almost all the speeches made had been in favour of the clause. ["No!"] The principal speeches certainly had been, and even those hon. Members who opposed it confessed that they did not see their way to its amendment. He admitted that some hon. Gentlemen had considered it impossible to do away with the advance note; but it seemed to him that the reasons given were altogether unsatisfactory. He thought the argument of the right hon. Member for Oxfordshire was not characterized by his usual sagacity. When it was said that this clause was an interference with the freedom of contract, he wished to remind hon. Members that there was no such thing as abstract freedom of contract in a country governed by law. Parliament had legislated against the truck system, and the advance note itself was a species of truck system. The seaman had no legal right to his wages until the conclusion of his voyage, and the advance note was not recognized in any Act of Parliament, but was a vicious custom. The advance note was, in fact, a deduction from the sailor's means of providing by allotment notes for a wife and family, and was generally applied during the three days before going on board in drinking and debauchery. The result was the seamen too often went on

board in a state in which they were quite unfit to perform their duties. It was, in fact, one of the chief causes for ships going in unseaworthy condition to sea. The advance note was recognized in the Act of 1850, but after four years' experience Parliament deliberately repealed all provisions relating to it; it could not now be sued upon. The custom had deteriorated the character of our seamen, and in short voyages it placed the master at the mercy of his crew, who by anticipation had got possession of their wages for the whole voyage. The clause was based upon the Report of the Royal Commission, the language of which was very strong; but, as many hon. Members wished the abolition of advance notes to be gradual, he should be prepared at the proper time to adopt the Amendment of the hon. Member for Hull (Mr. Norwood) to insert in Clause 9, page 3, line 21, after "money," the words "exceeding 20s."

MR. BATES opposed the clause, because it would be cruel to the sailors and inconvenient to the shipowner, and because it would give a great advantage to foreign shipowners. It was a clause "meddling and muddling" with a trade which its framers evidently knew nothing about. Nothing but a sense of duty would have induced him to oppose the Government on this subject. The clause was opposed by all the largest sailing shipowners in all the principal ports. [The hon. Member here produced a file of letters from individual owners and firms, all protesting against the abolition of advance notes, and read a protest signed by 12 underwriters at Lloyd's, who expressed the belief that the discontinuance of advances would drive the best seamen into the hands of foreign shipowners.] He had received letters from unemployed officers and seamen declaring that advance notes were indispensable to their re-engagement, and recommending, instead of the abolition of notes, the licensing of lodging-house keepers. The Royal Commission, he said, knew nothing of the subject practically, and not one-half of them knew anything of the management or requirements of a ship.

THE CHANCELLOR OF THE EXCHEQUER said, the labours of the Royal Commission were before the House. Amongst the recommendations of the Commission was one as to the abolition

of the advance notes, and his right hon. Friend had embodied in the Bill a clause to give effect to it. It was obvious that the question was one beset with enormous difficulties; but he thought it was a question with which they ought to grapple. The Government were, therefore, of opinion that it might be desirable to deal with it by way of compromise, and they thought the best course would be to divide on the principle of the abolition of advance notes that evening, and then to take the various suggestions made into consideration with a view to see which of them it would be advisable to adopt.

THE MARQUESS OF HARTINGTON thought this discussion was somewhat opposed to ordinary practice. The ordinary rule was for a Committee to endeavour to amend a clause, and then it had an opportunity of voting upon its retention or rejection; but here the Amendment of the hon. Member for Newcastle (Mr. Hamond) would have the effect of rejecting the clause altogether. He thought the Committee would do well not to reject the clause at once, but to agree to the proposal of the Chancellor of the Exchequer, who held out the hope that it might be amended at a future stage of the Bill somewhat in the direction which had been very generally indicated by hon. Members conversant with the subject.

After some further discussion,  
Motion, by leave, *withdrawn*.

SIR JOSEPH M'KENNA moved that the Chairman report Progress.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(Sir Joseph M'Kenna.)

The Committee *divided*:—Ayes 161; Noes 93; Majority 68.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

#### TRIENNIAL PARLIAMENTS BILL.

##### MOTION FOR LEAVE.

DR. KENEALY rose to move for leave to bring in a Bill for shortening the duration of Parliaments. The hon. Member proceeded to address the House at length in favour of triennial Parliaments. The hon. Member's address was received with great impatience, and

Mr. Speaker reminded him of the Rule of the House that the arguments of any Member addressing the House should be relevant to the subject-matter of his intended Motion. After some time—

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

The hon. MEMBER continued his address, and concluded by moving—  
“That leave be given to bring in a Bill for shortening the Duration of Parliaments.”

MR. GATHORNE HARDY, on behalf of the Government, opposed the Motion, observing that the House had quite enough to do during the present Session without occupying itself with the discussion of the question of its own dissolution.

There were then loud cries for a division; but several hon. Members addressed a few words to the House.

MR. MONK regretted that the Government should have refused leave to introduce the Bill. It was not usual to take such a course, and there was nothing intrinsically wrong in the proposal itself. Of course it could not be expected that the Bill could be discussed this Session.

MR. DILLWYN regretted that the Government had not shown its usual courtesy in this matter.

MR. RERESFORD HOPE said, he thought the Government had shown too much courtesy in this matter, and he hoped that the House would summarily decide the issue.

THE CHANCELLOR OF THE EXCHEQUER said, the House had of late years been somewhat lax on the subject of the introduction of Bills. This was a question as to which there was a difference of opinion, and which might give rise to discussion; and he thought that at period of the Session it would not be wise to place on the Paper a Bill which could not be considered. The time might perhaps come when the subject could be properly discussed; but at present he thought it would be wise to refuse the introduction of a new Bill.

Question put.

The House divided:—Ayes 11; Noes 68; Majority 57.

*In the*

#### MERCHANT SHIPPING ACTS AMENDMENT [REMUNERATION].

Resolution [June 16] reported;

“That it is expedient to authorise the payment, out of moneys to be provided by Parliament, of Remuneration to any Magistrate or Assessor for investigation into the causes of Shipping casualties, in pursuance of any Act of the present Session for amending the Merchant Shipping Acts.”

Resolution agreed to.

House adjourned at a quarter after Three o'clock.

### HOUSE OF LORDS,

Friday, 18th June, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—  
Ecclesiastical Fees Redistribution \* (161).

*Second Reading*—Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) \* (147); Local Government Board's Provisional Orders Confirmation (Bromley, &c.) \* (149); Local Government Board's Provisional Orders Confirmation (Abingdon, Barnetley, &c.) \* (151); Local Government Board's Poor Law Provisional Orders Confirmation (Oxford, &c.) \* (150); Local Government Board (Ireland) Provisional Order Confirmation (No. 2) \* (148).

*Committee*—Pier and Harbour Orders Confirmation (No. 3) \* (107); Municipal Elections \* (83); Bishopric of Saint Albans \* (108-100); Metalliferous Mines \* (106); Local Government Board's Provisional Order Confirmation (No. 2) \* (87); General Police and Improvement (Scotland) Provisional Order Confirmation \* (180).

*Committee*—*Report*—Metropolitan Police (Surgeon, Clerk, &c. Superannuation) \* (184); Indigent Widows and Children Act Extension \* (118).

*Report*—Turnpike Roads (South Wales) \* (129).

*Third Reading*—Tramways Orders Confirmation \* (89), and passed.

*Withdrawn*—Matrimonial Causes and Marriage Law (Ireland) (117).

#### NORWICH ELECTION.

##### JOINT ADDRESS FOR A ROYAL COMMISSION.

Message from the Commons that they have agreed to the Address to be presented to Her Majesty (under the provisions of the Act of the sixteenth year of Her present Majesty, chapter fifty-seven,) relating to the Election for the City of Norwich, to which they desire the concurrence of their Lordships.

#### NATIONAL EDUCATION (IRELAND).

##### OBSERVATIONS. QUESTION.

LOED GRANMORE AND BROWNE rose to call the attention of the House to copy of a Letter from the Chief Secre-



tary to the Lord Lieutenant of Ireland to the Commissioners of National Education in Ireland, and of their reply to the same; also to the present state of national education in Ireland; and to inquire if Her Majesty's Government contemplate any changes either as regards the present system of education in Ireland or of training teachers; and, if so, what would be those changes? The noble Lord said, he should not have intruded this interesting and difficult subject upon their Lordships had it not been that although Questions had been asked in both Houses of Parliament, no satisfactory assurances had been given on the part of the Government to those who, like himself, believing the national system properly carried out was of great value, had been somewhat alarmed by the letter of the Chief Secretary. A general misconception pervaded the minds of Members of both Houses on the subject, for they seemed to believe that it was only fair to extend what was the system in England to Ireland also. But the circumstances of the case were wholly different. In Ireland the schools on the national system were maintained almost exclusively by grants from the State, and the State had therefore the right to prescribe how the schools should be carried on, and that the system adopted should be such that children of no denomination should be excluded from them. But in England the denominational system prevailed, and a great portion of the expenses of national education was defrayed by voluntary contributions. Therefore, upon the principle that they who paid the piper should choose the tunes, the managers of English schools had a claim to regulate the instruction which Irish managers had not. As almost the entire expense of education in Ireland was paid by State grants, it followed that it should be national and not denominational. But was it true or not true that the national system in Ireland had ceased to have any value in that sense, and had become denominational? The famous letter of the late Lord Derby to the Duke of Leinster defined what was intended by national education. It was "united secular and separate religious instruction, a system from which all suspicion of proselytizing was banished." That was not the principle carried out in denominational schools; but as in Ireland

there were only 76 of those schools, with 180,000 children on their rolls, while there were on the rolls of other schools under the National Board 820,000 children, it could not be said that the denominational had superseded the national system. But the system had been departed from in respect to the training of teachers, which was first interfered with by the decision of the Roman Catholic Bishops at the Synod of Thurles. He would not dwell on the well-known O'Keeffe case, but there was a report afloat that the late Prime Minister (Mr. Gladstone) was so discontented with what had taken place with the conduct of the National Board on that occasion that if he had remained in office he would have had a responsible in the place of an irresponsible Board. The noble and learned Lord (Lord O'Hagan) seemed to signify a negative, and therefore the rumour was not correct; but he (Lord Oranmore and Browne) thought that would be a most desirable change. Though in Ireland no less than 80 per cent of the children were in what were called mixed schools, yet it was alleged that these were denominational, as in many of them the priest was the patron, and many of them adjoined the Roman Catholic chapel; but as the rules excluded denominational teaching, and 24,400 Protestant children were scattered through those schools, those children now benefited by the national system, and would be excluded under the denominational. He trusted, therefore, that the Government would not sanction any divergence from the national system in the schools, for if they did the Protestant children who attended them would get no education at all. It had been said that the national system in Ireland had been a failure, and in the other House of Parliament Mr. Lyon Playfair had stated that of the children educated in the Irish national schools, only 18 per cent could either read or write. A greater fallacy had never been uttered. The right hon. Gentleman had based his statistics on the number of children on the school rolls, which was 1,140,000; but the fact was that the average attendance did not amount to more than 400,000, and the children who qualified for examination did not amount to 300,000. Now, he would make a comparison of results as between Ireland and England. In Ire-

land something over 86 per cent of the children examined passed in reading. In England of the number so examined 88 per cent passed. In Ireland the 86 per cent passed in writing; in England 80 per cent. In Ireland 69 per cent passed in arithmetic; in England 70 per cent. Taking the total, something over 62 per cent of the children examined passed in Ireland and 59 per cent in England. He could not see how this could be called "a monstrous failure;" he thought it a great success. The insufficient attendances at schools in Ireland might in a great measure be accounted for by the fact that a large number of children in that country were employed at field labour, and that if compulsory education kept them from thus earning their bread, the State must not only provide education, but food and clothing. In 1866, the noble Lord who was then Chief Secretary to the Lord Lieutenant (Lord Carlingford) wrote a letter to the Commissioners of National Education in Ireland, suggesting certain changes, and in the letter of the present Chief Secretary those suggestions were referred to. If the recommendations in respect of the training of teachers made by a majority of the Commissioners were adopted, the result would be that the majority of the Irish national teachers would be trained by religious Orders of the Roman Catholic Church in Ireland. Seeing that in countries where the Roman Catholic Church had plenitude of means and power the people were the most ignorant, and that all Roman Catholic countries where the Roman Catholic Church held sway were in a most unfortunate position—witness Spain and the Republic of South America—and as he should much regret such a result in Ireland as that which he had just indicated, he therefore hoped to receive from Her Majesty's Government a distinct assurance that there was no intention on their part to make any change in the national system in Ireland which would have the effect of making it denominational.

VISCOUNT POWERSCOURT dissented from the statement of the noble Lord that very little aid was contributed by voluntary effort towards education in Ireland. The 30 or 40 schools with which he had some connection paid half their expenses.

LORD ORANMORE AND BROWNE stated that he and many others also contributed towards support of schools on these properties; but, nevertheless, voluntary contributions through Ireland did not amount to 1 per cent of the whole expenses.

THE MARQUESS OF SALISBURY said, that when he saw the Question of his noble Friend on the Paper, he felt some doubt as to what his exact meaning or object could be; because it appeared as if what his noble Friend wanted the Government to do was to repeat the declaration already made by the Representative of the Irish Government in the House of Commons. But he found from the speech of his noble Friend that his object was first to elicit something to calm the alarm which a debate held in the other House of Parliament some time ago had created in his mind; and next, to answer certain arguments put forward by Mr. Lyon Playfair. Now this was very irregular and inconvenient. Manifestly, it would be very inconvenient to be answering in that House speeches made at the other side of St. Stephen's Hall. It was satisfactory, however, to observe that the alarm of his noble Friend was not of a tempestuous or stormy character. The debate in "another place" was held in March, and the terrors of his noble Friend had been so slowly gathering that it was not until the 18th of June he came forward to have them allayed. It was not his (the Marquess of Salisbury's) business to impugn the national system in Ireland. Bad or good, it was the only one we had in that country, and the only one we were likely to have there, and therefore it was to the interest of all parties to make the best of it. His noble Friend had referred to the statistics brought forward by Mr. Lyon Playfair, and had quoted some figures in reply. Well, statistics were a very expansive article, and Irish statistics were endowed with a special elasticity, and he had no doubt the noble Lord would readily find statistics that would give him any information he might desire. He did not think it necessary on an occasion like the present to go into inquiries as to the number of illiterate persons in Ireland, or as to how many children of five years old went to school in that country, or as to whether a child of five years old ought to read and write; but the noble Lord seemed persuaded

that there were scarcely any illiterate children in Ireland, and that it would rather do an injury than otherwise to increase the salaries of the teachers. He could not, however, pledge the Government to assist the noble Lord in this matter. But there seemed to be a general consensus of opinion that the success of the Irish national schools was not equal to what had been anticipated, and that the acquirements of the teachers were not up to the standard to which we in England were accustomed. An endeavour might be made to meet that state of things by either of two means. By means of payment for results they might enable managers to employ better teachers; or they might by a better course of training make better teachers themselves. He leant to the first as being the better mode of improving the teachers. If £43 a-year was the average salary received by the teachers in the Irish national schools, that could not be regarded as a satisfactory payment, and as his noble Friend was so satisfied with the national system in Ireland, he hoped that he (Lord Oranmore and Browne) would not think that a salary of £43 to the teachers—which was about the average earnings of a Lincolnshire labourer—was bound up with that system. He would not say a word which could be construed to indicate any intention to depart from the national system in Ireland. The question of dealing with training colleges in Ireland was surrounded with difficulties, in consequence of the views of their duty which were entertained by the heads of religious communities in Ireland. It was not his duty to give an opinion on those views; but there could be no doubt that a large portion of the people of this country regarded them in the same light as that in which his noble Friend looked at them, and it would hardly be possible to alter the system of the training colleges without entering on a course that would not be desirable. He had to say, therefore, that Her Majesty's Government had no intention to alter the system of training colleges. But, on the other hand, he did not see why they should be prevented from relying on the other plan, if it appeared to them that it would remedy the evils which were admitted to exist in connection with national education in Ireland.

LORD ORANMORE AND BROWNE said, he had expressed no opinion as to increasing the salaries of the national teachers.

LORD CARLINGFORD said, that, as the noble Lord who had introduced this subject had referred to him, he hoped he might be allowed to add a few words to the discussion. He confessed that the letter of the present Chief Secretary to the Lord Lieutenant did interest him very much, and gratify him not a little, because it showed that the Chief Secretaries in Governments of different Parties did recognize a fact rather underrated by the noble Marquess—namely, the necessity of good training to the success of national education in Ireland. In 1866, when he was Chief Secretary, he found that of the whole number of 7,472 teachers, 4,369 were untrained. The present Chief Secretary found that in 1874 no fewer than 6,118 out of the whole number of 9,900 were untrained. The noble Lord (Lord Oranmore and Browne) had spoken of the training of teachers as if it were not an essential part of a system of national education. But everyone knew that without a well-trained body of teachers such a system must break down. In England and Scotland the teachers were trained for two years, while in Ireland those who were nominally trained received a course of training which extended over only five months. That being the state of things, he felt himself, when Chief Secretary, compelled to recognize what the right hon. Gentleman the present Chief Secretary again called attention to in 1874. Acting in conjunction with the Lord Lieutenant, Sir Michael Hicks-Beach wrote—

“It now only remains for his Grace to invite the special attention of the Board to the important subject embraced in Question No. 6. His Grace understands that in England there are 39 training schools with 2,894 students and a grant of £95,200; in Scotland five training schools with 704 students and a grant of £21,500; while in Ireland there is only one normal school with 218 students and a grant of £7,646, although this deficiency is to some extent supplemented by the system of model schools. It is further to be borne in mind that whereas two years is generally considered the minimum period of residence in a training school, the Irish teachers, with the exception of those who undergo an additional term of special training, remain only about five months in the Marlborough Street normal school. The existing insufficiency of teachers trained even to this extent cannot but injuriously affect the general standard of



LORD O'HAGAN, speaking as one of the Commissioners of National Education in Ireland, had a right to demand that when charges were made against them of being unfaithful to the system of which the administration was committed to them that they should be judged by their public acts and public declarations, not by the opinions scattered through the country and founded on misconceptions and misrepresentations. Looking to their acts and declarations, he said it was impossible for any of those who, in that House or elsewhere, had ventured to assail the system in a very gross and scandalous way, to establish the charges they made against a body of gentlemen—putting himself out of the question—of the highest position and the greatest intelligence, who had faithfully devoted themselves to the advancement of national education in Ireland—often in the face of great obloquy and much misconstruction. At present there were some 6,000 out of 9,000 teachers of national schools in Ireland who were utterly without training of any kind recognized by the State or regulated by the law of the land; and he thought that if attention was paid to the state of things in Ireland at that moment any Government would be disposed to take some risk and make some effort to redress existing deficiencies. The Commissioners had not proposed to do anything that would wound any religious susceptibilities. The proposition accepted by the Commissioners and supported by the noble Lord behind him (Lord Carlingford) was not that there should be denominational training for teachers, but that there should be non-vested training colleges established in Ireland on the same principles, moving on the same lines, and with the same results as the non-vested schools under the national system of education. It was very desirable that that moderate proposal should be considered by the Government, and he hoped the day was not far distant when they would have a satisfactory system of training for their teachers; without which, indeed, it would be impossible that education could progress as it ought to do in Ireland. As to the charges that had been made in that House and repeated at public meetings that the national system had proved a complete failure, and that it was a scandalous thing that such large

sums should be spent upon it—that the people of Ireland, after 40 years, remain uneducated—were, he must say that that rested on a totally erroneous view of the history of national education. He would say that the system rested upon an utterly false basis. It was founded on the assumption that the Commissioners who first set up the National Board about the year 1831, from that time forward failed in the education of the entire population of Ireland. A more fallacious assumption than that it was impossible to educate the people of Ireland. The Board had to fight against almost every denomination. The people of the Established Church stood aloof, and for some years Unitarian and Wesleyan Methodists and Presbyterians were extremely hostile to it; it was not until 10 years after its establishment that they began to take advantage of it. As to Catholics, having suffered to a great degree from want of schools, they showed more willingness to accept of it, and the late Archbishop of Dublin, Murray—one of the best men—was for many years a member of the Board, and, in consequence of his great confidence in the Board, he was a great support to the Board, and a great confidence in the Board was shown by the religiousists. But it was in the closing years of the late century that the people of the Established Church at all took to the system. In Connaught, however, the Roman Catholics resisted the system throughout, and elsewhere there was a partial opposition. But, in spite of those difficulties, the system was so successful that the whole of Ireland from its centre to its circumference was now studded with schools. It had been denounced in the House of Parliament as a gross failure; what were the facts? In 1831 there were 2,337 national schools, and 4,704; in 1861, 5,836; in 1871, 6,914. Moreover, according to the Returns, the percentage of illiterate persons in Ireland in 1831 was 46·8; in 1861, 33·4; in 1871, 33·4. But as these figures included children down to the age of 15, it might be thought more satisfactory to take the percentage of illiterate persons between 15 and 20. That percentage had been reduced from 37·4 in 1831 to 27·4 in 1871. Instead of the system having been a gross failure, it had been a



opinion, a great success and a great blessing, and it seemed to him to be the duty of those who took an interest in Ireland and desired that the people should become really intelligent and loyal to assist as far as they could in promoting a system which had produced the results he had described.

VISCOUNT MIDLETON said, they were bound to guard most jealously against any attempt to depart from the original principle upon which Parliament had founded the system of education now in operation in Ireland, and it was because he saw traces of such a disposition that he was thankful to find that there was no wish either on the part of the House or on the part of the Government to depart from the principles hitherto observed. He wished to ask the noble and learned Lord why the Commission in their Report this year had omitted the column relating to Mixed Education?

LORD O'HAGAN said, he was not aware that it had been done. He would make inquiries and inform the noble Viscount on a future day.

THE BISHOP OF PETERBOROUGH, said, he had been a manager of a school under the national system in Ireland, and in relation to the noble and learned Lord's defence of the National Board of Education in that country against misrepresentations and accusations, he was unable to remember the time when the Board was not subjected to these, or when the conduct of its members was supposed to be free from political and partizan influences. That was owing to an original and serious defect in its constitution. All the Commissioners on the Board, or nearly all of them, were appointed from time to time by the Government of the day, and the result was that they had in a country where political partizanship and prejudice ran high, a succession of appointments, which, if not always of a political character, were at least open to the imputation of being so. That was a serious defect; as was also the fact that none of its rules were absolutely unalterable by the Board itself, and therefore there was always a temptation to one party or the other in the Board to alter them, and that further had laid them open to the imputation of being inclined to make changes of a sectarian or religious character. He had long felt that the true principle on which Irish education should be dealt was that

the present semi-political Board should be changed for three, or even one, paid Commissioner, irremovable except for misconduct, and that the fundamental rules of the system on which education should be administered should be unalterable. In other words, he would like to see something more corresponding to the Education Department of England. If that change were made, little further would be needed, except improvements in detail; for the Irish national system as a whole was the best possible for Ireland, and so highly did he esteem it that he could not help regretting it had not been transferred to this country.

LORD INCHQUIN said, he entirely concurred in the observations that had fallen from the noble Lord the late Chief Secretary for Ireland and from the right rev. Prelate, and urged that steps should be taken to provide a larger supply of educated teachers for Irish schools.

#### MATRIMONIAL CAUSES AND MARRIAGE LAW (IRELAND) BILL.

(*The Lord Inchiquin.*)

(NO. 117.) SECOND READING.

BILL WITHDRAWN.

Order of the Day for the Second Reading, read.

LORD INCHQUIN, in moving that the Bill be now read the second time, said, its purpose was to empower the Irish Church Synod to raise the fees for marriage licences in Ireland from a sum not exceeding 5s. to a sum not exceeding 20s. in such cases as might be thought necessary. The measure had received the sanction of the Irish Church Synod and of the Primate of Ireland; the latter stating that he saw no ground for the fear which had been expressed that the raising of the marriage licence fees would tend to drive persons to be married by the Registrar.

*Moved*, "That the Bill be now read 2<sup>d</sup>."  
—(*The Lord Inchiquin.*)

THE LORD CHANCELLOR said, he was afraid that the Bill, if passed as it stood, would incline the poorer classes in Ireland to prefer the cheaper ceremony of marriage by the Registrar to the more expensive religious ceremony. He suggested that the noble Lord should withdraw the measure for the present Session, with the view of its receiving further

consideration and amendment before it was re-introduced.

Motion and Bill (by leave of the House) *withdrawn*.

ECCLESIASTICAL FEES REDISTRIBUTION  
BILL [H.L.]

A Bill to make provision for the redistribution of certain Ecclesiastical Fees—Was *presented* by The Lord Archbishop of CANTERBURY; read 1<sup>st</sup>. (No. 161.)

House adjourned at half past Seven o'clock, to Monday next, half past Eleven o'clock.

HOUSE OF COMMONS,

Friday, 18th June, 1875.

MINUTES.]—PUBLIC BILLS—Ordered—*First Reading*—Entail Amendment (Scotland)\* [212]; Police Constables (Scotland)\* [213].

*Second Reading*—Pharmacy [175].

Committee—Merchant Shipping Acts Amendment (*re-comm.*) [116]—R.P.; Infanticide\* [43]—R.P.

Committee—Report—Juries (Ireland)\* [206].

Considered as amended—Medical Acts Amendment (College of Surgeons)\* [100].

*Third Reading*—National Debt (Sinking Fund) [142], debate adjourned.

*Withdrawn*—Dean Forest and Hundred of Saint Briavels\* [78].

The House met at Two of the clock.

MERCANTILE MARINE—POOLE  
HARBOUR.—QUESTION.

MR. EVELYN ASHLEY asked the President of the Board of Trade, Whether, in view of the great public benefit which would be the result of so deepening the water over the bar at Poole Harbour as to make it available for a Harbour of Refuge, the Government would be willing to take into favourable consideration an application that they should contribute some proportion of the necessary cost, on terms similar to those on which the Treasury have recently consented to grant funds in aid of the Harbour at Ardglass?

SIR CHARLES ADDERLEY, in reply, said, the Government would not be justified in making contributions from the public rates for the cost of the deep-

ening the water over the bar at Poole Harbour, so as to make it available for a harbour of refuge. There was no analogy or similarity whatever between the harbour of Poole and that at Ardglass, towards which the Treasury had recently consented to grant funds.

IRELAND—CLONMEL UNION BUILD-  
ING DEBT.—QUESTION.

CAPTAIN MOORE asked Mr. Chancellor of the Exchequer, If he has considered the Memorial of the Guardians of the Clonmel Union, dated the 18th of February last, praying that the Government will take into consideration the exceptional circumstances of that Union, the only one in Ireland whose building debt was not remitted by the Government, and if the ratepayers are justified in the hope that they will be placed on the same footing as regards cost of building their workhouse as all the other unions of Ireland?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, the Government had no power to act in the manner referred to. Besides, it would be laying down a precedent which he did not think it would be well to set.

IRELAND—RECORDERS' COURTS.  
QUESTION.

MR. MURPHY asked Mr. Solicitor General for Ireland, If the Government will support the Bill now before the House for enlarging the Local Jurisdiction of the Recorders' Courts of Cork and Belfast in Admiralty cases; and, if so, whether, having regard to the present state of Business, and the consequent improbability of the Bill passing during this Session, they would support, or be themselves prepared to carry out, legislation on the subject next year?

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET), in reply, said, it was the intention of the Government to bring in a Bill next year to deal, amongst other subjects, with the jurisdiction of the Recorders' Courts of Cork and Belfast in Admiralty cases. As there was no chance of carrying any measure of the kind that year, he hoped the hon. Member would not press his Bill forward.

*The Lord Chancellor*

**PALACE OF WESTMINSTER—THE  
CLOCK TOWER LIGHT.**

**QUESTION.**

**MR. SULLIVAN** asked the First Commissioner of Works, Whether the gas signal light on the Clock Tower of this House has been in use for three Sessions; and if it is a fact that the contractors have not yet been paid for it?

**LORD HENRY LENNOX:** It is true, Sir, that the gas light on the Clock Tower has been in use for three Sessions, and it is a fact that the Messrs. Wigram have not yet been paid for it; through a delay, which I regret, has risen from unavoidable circumstances. But the difficulties, I have reason to hope, will shortly be removed, and a payment will then be made.

**METROPOLITAN BOARD OF WORKS—  
STREET WATERING AND CLEANSING.**

**QUESTION.**

**LORD ELCHO** asked the Chairman of the Metropolitan Board of Works, Whether any power is vested in the Board enabling it to ensure the proper watering and cleansing of the streets and thoroughfares of the Metropolis, or whether these necessary operations have to be left to the action of thirty-nine separate independent local authorities?

**SIR JAMES HOGG:** Sir, in answer to the Question of the noble Lord, I have to state that the Metropolitan Board have no actual control over the thoroughfares of the Metropolis so as to ensure watering and cleansing. This power is specially conferred upon the vestries and district boards by Act of Parliament. Complaints are sometimes made on this and other subjects to the Metropolitan Board, who always communicate with the vestry or district board in question. I am bound to add that all communications are received in the most friendly spirit, and the grievances removed as far as can be done. The only exception to the powers of vestries, &c., as regards roads is the Victoria Embankment, which, by an Act of Parliament passed in 1872, is placed under the Metropolitan Board as regards cleansing, lighting, and paving.

**ARMY—ATTENDANCE OF CATHOLIC  
SOLDIERS AT MASS.—QUESTIONS.**

**MR. PARNELL** asked the Secretary of State for War, Whether the Under Secretary of State for War, in reply to a Memorial from the Catholic Union of Ireland, relative to the attendance of Catholic Soldiers at Mass on certain specified days, stated that the Right honourable Gentleman had no objection to officers commanding giving facilities to the troops of any denomination to attend Divine Service if asked to do so by their clergy, but that he did not consider that commanding officers should take the initiative in such a matter; whether the case of those men of the Meath Militia quartered in barracks, who were confined to barracks during the hours of one Divine Service, and engaged in the usual parades during the hours of the other Divine Services, of the denomination to which they belonged, after a request had been made by the Chaplain that they might be allowed to attend one service, is contrary to the intention of the Right honourable Gentleman as conveyed in the above-mentioned reply; and, whether the Right honourable Gentleman would think it expedient to draw the attention of officers commanding Irish Militia regiments to that mentioned reply in order to prevent future misunderstanding?

**MR. GATHORNE HARDY,** in reply, said, the hon. Gentleman was correct in saying that a reply of the nature described was sent by the Under Secretary of State for War. It had reference not merely to Roman Catholic soldiers, but to the troops of every denomination. He was informed in the case of the Meath Militia that the men were not confined to barracks, and the parade took place in the ordinary way. Only one man asked permission to attend service, which was granted, and the man fell out and left. He did not think it was his duty to call the attention of officers commanding Irish Militia regiments to the reply, any more than to direct the attention to it of officers commanding other regiments.

**MR. WHALLEY,** referring to the soldiers who bore the canopy over the Cardinal Archbishop at the College at Ladbroke Road, on the 31st of May, wished to know if it was not inconsistent



with the regulations that soldiers should appear at Church in full dress?

MR. GATHORNE HARDY said, he could give no information to the hon. Member upon the subject, as he had not given him any Notice of the Question.

#### MONASTIC AND CONVENTUAL INSTITUTIONS—CONTINUANCE RETURNS.

##### QUESTION.

MR. NEWDEGATE asked the Under Secretary of State for Foreign Affairs, Whether the Government would consent to an Address for information, in continuance of that furnished under the Address of the 27th of July 1874, with reference to the Laws, Ordinances, and Regulations relating to Monastic and Conventual Institutions; and within what period such continued information would be ready for delivery to the Members of this House?

MR. BOURKE, in reply, said, that Papers on the subject had been laid on the Table on the 4th of March last, relating to France, Germany, Sweden, Italy, Belgium, Austria, and Spain. His hon. Friend, however, was not satisfied with those Papers, and requested him (Mr. Bourke) to lay further Papers on the Table and obtain other information upon the subject, more particularly from Dresden, Würtemberg, and other smaller States in Germany. Those Papers had been received at the Foreign Office. They were considerably voluminous. They were printed, and would be laid on the Table in a few days. Now, however, the hon. Gentleman wished to have additional information, without stating where it was to be obtained from or what was to be its nature. He would be happy to get for him all the information he could procure, but he could give him no decided answer as to when he would be able to lay it upon the Table of the House.

MR. NEWDEGATE said, that, as it was always understood that a continued Return was to be made in the terms of the original Return, he would on a future day ask the hon. Gentleman the Under Secretary of State, whether he would continue down to the present time the information furnished under the Address of the 27th of July last.

*Mr. Whalley*

#### SOUTH AFRICA—THE CAPE COLONY—BOUNDARY OF DELAGOA BAY.

##### QUESTION.

MR. WHALLEY asked the Under Secretary of State for Foreign Affairs, Whether it is true, as stated in the public journals, that the President of the French Republic has made his award as to the boundary between the British and Portuguese dominions in East Africa, and that the same is adverse to the claims of this Country; when the Papers will be laid upon the Table of the House; and, whether the Government will make available the visit of the Sultan of Zanzibar to make further arrangements for the protection of British interests within his dominions with a view to the development of legitimate commerce, and thereby, and also by such other means as have been devised or may be found requisite, more effectually checking and suppressing within his dominions the traffic in slaves?

MR. BOURKE: Sir, we have no official knowledge of the result of the arbitration under a reference made on the 10th of September, 1873, as to the British and Portuguese boundaries in East Africa; but from communications which have reached the Foreign Office I have little doubt that the fact is that the President of the French Republic has made his award as to the boundary between the British and Portuguese dominions in East Africa, and that the same is adverse to the claims of this country. When the official award reaches us we shall be prepared to lay Papers on the Table. As to the second part of the hon. Member's Question, I would remind him that the Seyyid of Zanzibar is in this country as a guest of the British Government, and that the present is not therefore a time to press upon him claims or requests which he might consider inopportune; but I have no doubt that before he leaves our shores communications will pass between His Highness and Her Majesty's Government on the subject of the protection of British interests within his dominions and the checking and suppressing of the traffic in slaves, and Her Majesty's Government entertain no doubt of the sincere desire of His Highness to meet their wishes in both respects.



**PUBLIC HEALTH—SMALL POX IN  
STAFFORDSHIRE.—QUESTION.**

SIR CHARLES FORSTER asked the President of the Local Government Board, Whether any communication has been received respecting an outbreak of small-pox in Great Barr, Staffordshire; and, whether it is a fact that such outbreak was to be traced to the occupation of a house, without previous disinfection, in which cases of small-pox had occurred; and, if so, by whose fault it is that such disinfection was not provided for?

MR. SCLATER-BOOTH, in reply, said, he had received no information in reference to the subject referred to by the hon. Member. The last Quarterly Returns of the Registrar General showed an unusual mortality in the Walsall Union, of which Great Barr formed a part, and inquiries had been made of the sanitary authorities on the subject. If the alleged outbreak arose from the occupation without previous disinfection of a house in which the disease had existed, the person letting the house would be liable to a penalty of £30. Moreover, if the sanitary authorities had a medical certificate to the effect that disinfection was necessary, and it was not done satisfactorily, they might cause the work to be performed, and charge the owner or occupier with the cost.

**MERCHANT SHIPPING ACTS AMEND-  
MENT (re-committed) BILL.—[BILL 116.]**

(Sir Charles Adderley, Mr. Cavendish Bentinck,  
Mr. William Henry Smith.)

COMMITTEE. [Progress 17th June.]

Bill considered in Committee.

(In the Committee.)

*Master and Seamen (Part III. of Merchant  
Shipping Act, 1854). Wages.*

Clause 9 (Advance notes illegal).

Amendment proposed, in page 3, line 20, to leave out from the words "any document," to the word "advanced," in line 29, both inclusive.—(Mr. Hamond.)

Question proposed, "That the words 'any document' stand part of the Clause."

SIR CHARLES ADDERLEY said, that after the debate last night, the Government had decided to adopt as

a compromise the Amendment which stood in the name of the hon. Member for Plymouth (Mr. Bates), that "advance notes" should be to the extent of one month's wages in advance. The clause would then read as follows:—

"Any document authorizing or purporting to authorize the payment of money on account of a seaman's wages, excepting to the extent of one month's wages in advance, shall be void."

The Committee were aware that the clause was inserted in the Bill on the strong recommendations of the Royal Commissioners, and with respect to preventing ships going to sea in a condition dangerously unseaworthy—a question upon which the hon. Member for Derby (Mr. Plimsoll) had raised a great sensation in the mind of the public throughout the country—the Royal Commissioners felt that the anticipation of wages generally for debauchery at the moment of taking ships to sea was at the very root of the question. It was a fact that there were many cases in which parties received advance notes and shipped for voyages, who never intended to carry out their contract, and continued to evade it; many cases also in which the advance note was demanded as a right without being at all needed, and many cases in which it went straight to crimps, who finally turned out their victims to take charge of a ship so drunk and diseased that they had to be put on shore in going down Channel, and anybody got on board to take their place. The advance note had become a custom—a vicious custom—since 1850. It was recognized then by law, but had been since struck out of the Acts, and had now no legal validity at all. At the same time, there were such practical difficulties pointed out on the previous night in connection with the prohibition of all advance notes that the Government had come to the conclusion to adopt the Amendment proposed by the hon. Member for Plymouth, and that they should limit the amount of advance notes to one month's wages. He (Sir Charles Adderley) hoped the Committee would accept that concession on the part of the Government, who, at the same time, were not shrinking from the performance of their duty in their endeavours to pass this measure as it was recommended by the Royal Commission. The adoption of the Amendment of the hon. Member for Plymouth, after

the word "wages," in the clause would, he hoped, meet the wishes of the Committee; and certain words in the 2nd and 3rd sub-sections would then be omitted from the clause. By a provision in the Bill masters of ships would be enabled to provide and supply necessaries at starting on a voyage to sailors on reasonable terms.

MR. KNATCHBULL-HUGESSEN might say he was rather sorry that the Government did not on the previous night make a defence of the principle of the clause in reference to the advance notes. The right hon. Gentleman told them that if the Amendment was agreed to, it would be fatal to the clause, and if it was negatived, he would then state what was to be done. He (Mr. Knatchbull-Hugessen) thought it rather unfortunate that the right hon. Gentleman did not stick to his guns. He was reluctant to address the Committee on points that were technical of which he had no knowledge; and the reason why he now rose was a strong feeling in respect to the question of the advance note among his constituents. He was informed that there had been a regular trade carried on in the North of England in connection with the advance note system, and that persons who had no thought of going to sea entered into contracts, shipped as for the voyage, and when they had got as far as Deal, Walmer, or Dover, got landed there. When apprehended they were committed to gaol, and the expense of maintaining them there fell unfortunately upon the ratepayers. They did not care about spending some time in prison, because they regarded the bonus they had obtained by their fraudulent conduct as a sufficient compensation. By a Return made he found that in 12 months upwards of 80 of these persons had been sent to gaol in Sandwich for the offence of violating their contract, and the cost of keeping them was felt deeply by his constituents, inasmuch as there was no just reason whatever why this expense should fall upon their particular locality. During the same period, the number of committals for other offences in the same gaol was only about 10, and the House would therefore see that his constituents had reason for complaint. If the expenses were to be borne by the Mercantile Marine Board or any other Board, and not by the ratepayers, he

should feel content, or else let the fines, which under the present law were paid into the Imperial Treasury, go to the assistance of the local rates of those places upon which the expenses of the maintenance of the imprisoned seamen fell. All he wanted was fair play. The Committee were told on the previous night that the abolition of the advance note system would be the cause of great loss and suffering to the poor wives and families of sailors. Whatever might be said in favour of the system, it was unfortunate that the money which should reach the wives and children of many of the sailors was spent in drink, owing, in a great measure, to the advance note system; whilst no one could object to a well-regulated system of advances, by which it should be made certain that the money advanced actually went to those wives and children. Referring to the Amendment of the hon. Member for Tynemouth (Mr. T. E. Smith), he was sorry the right hon. Gentleman did not adopt it, instead of consenting to an Amendment which happened to come from his own side of the House, and which would practically continue and give a new status to the advance note system. For in directly legalizing an advance note to the extent of one month's wages, he was legalizing nineteen-twentieths of these notes, which seldom advanced more than that amount.

Lord ESLINGTON, as one of the Royal Commissioners, felt responsibility for the recommendations in reference to the advance notes. He believed that the percentage of seamen who received a greater advance than a month's wages was extremely small, and therefore he could not agree to accept that as a concession. At the same time, he had never concealed from himself nor from any of the Commissioners the difficulty of carrying out the proposed recommendation. He regretted that it was so, and that the sense of the House of Commons had not been taken on the question of advance notes. He thought it would be satisfactory to the country and to himself if it had been so settled, because it was a question surrounded with difficulties which it seemed impossible to settle in the way proposed. It therefore might well be left to the Legislature to settle. It was, in his opinion, a question for the House of Commons to abolish the note.

*Sir Charles Adderley*

MR. SHAW LEFEVRE said, he was one of those who, on the previous night, made a proposal that a fortnight's wages be advanced, and on the whole he was glad that the right hon. Gentleman had in some measure met the wish of the Committee. He (Mr. Shaw Lefevre) regretted that as regarded the foreign trade the question remained as it was. He thought that the reduction in the advance note might be made by degrees. He, therefore, proposed that the right hon. Gentleman should make the advance note for a fortnight at home and a month abroad.

MR. MACDONALD said, he felt regret that the right hon. Gentleman the President of the Board of Trade had abandoned the principle laid down by the Royal Commission; and he ventured to say that the course now taken up in reference to the advance note would be regretted by the country, and that if the right hon. Gentleman had adopted even the suggestion of the hon. Member for Hull (Mr. Norwood) it would have been far more valuable. Suppose the man were to receive £20, the whole might be put into one advance note. He must say that the Government had abandoned the whole principle of the Bill on this subject. All that was now left was an illusion and a sham. It would be more honest to give up the whole question at the nod of the ship-owners of the House, and say candidly they had done so. They would never have the condition of the seamen improved so long as the vicious and wicked system contained in the advance note system was allowed to remain. Sailors were apt to be imposed upon, and it was most important they should be saved from the intemperance connected with the system of advance notes.

SIR WALTER BARTTELOT said, he was extremely surprised at the remarks which were made last night and to-day by the hon. Member for Stafford. On Wednesday the hon. Member said that of all classes in the world the working classes were people who could best take care of themselves, and yet now he said there was a portion of those working classes—namely, the sailors of this country—that required to be protected from drunkenness, and should be deprived of drink by the Legislature of the country. There was one thing which Members of his (Sir Walter Barttelot's)

Party had often insisted on—namely, that there should be freedom of contract. Last night the President of the Board of Trade frequently told the House that we had been continually passing Acts of Parliament to deprive ourselves of the right of free contract. He (Sir Walter Barttelot) should like to know when those Acts were passed. There was, no doubt, the Truck Act, and the right hon. Gentleman introduced into a section of this Bill the most objectionable form of truck that could be. He was glad his right hon. Friend had thought it wise and prudent to modify that which he stated so decidedly last night. The only person he was sorry for was his right hon. Friend himself, who had found it absolutely necessary to reverse all that he stated last night, but who had now come to his senses, and acknowledged that free contract ought to be allowed between man and man.

MR. MUNTZ thought the proposal of the hon. Member for Plymouth (Mr. Bates) would do very well for long voyages, but not for short ones. When a voyage was undertaken from Hull to any of the Dutch or Danish ports it frequently happened that the vessel was back again within a month. Sailors were not all so silly as they were represented to be, and could very well take care of themselves, and he did not see any reason for retaining that clause in any form now that its principle had been abandoned.

MR. BATES considered a month's advance note not more than sufficient for sailors engaged in a voyage to India, round the Cape of Good Hope. By the Suez Canal route, Jack had many opportunities of getting ashore, inasmuch as a steamer made four or five voyages a year by this route, whereas by the Cape route he could only do so once in a voyage of perhaps 10 or 12 months. He was certainly opposed to the proposal that the note should not exceed £1, for it was necessary to remember that the mates and other officers applied more frequently for the advance note than the common sailors did, and to them an advance of £1 would be altogether insufficient. It had been asked if they were going to give advance notes for a month on short voyages, but it did not follow that they should do so from their arranging that the advance note should not be for a longer period than one month.



MR. EVELYN ASHLEY was of opinion that the Amendment would altogether nullify the clause and throw discredit on the recommendations of the Royal Commission. The action of the Government in this matter reminded him of the long pendulum of a cottage clock. Their first swing, as shown in the Bill which abolished all advances, went far beyond the recommendation of the Royal Commission, and now they had in the course of debate swung round to a point far short of that recommendation. Why could not the advance note be abolished, while the system of advances was retained? In that way the shipowner would only oblige the good men, and they would get hard cash; whereas all the remarks of the Commissioners related to the form of advance note, conditional on the seaman going to sea, which was cashed through the medium of the crimp and only enabled the sailor to get one-sixth of its value. He trusted the Amendment would be rejected.

MR. RATHBONE expressed his regret that the Government had yielded on this point so far as to allow of an advance note even for a month. While agreeing with the opinions expressed by the hon. and gallant Baronet the Member for West Sussex, it had always seemed to him very doubtful whether it was wise to interfere with freedom of contract; but if we did so, we ought to give some direction to the shipowner as to the course he ought to pursue. The shipowners who gave advances in excess of those usually given in the trade, were those who provided inferior food or accommodation for the sailor, whom they sought to tempt by the amount of the advance. In his judgment the Amendment which the Government ought to have accepted was that of the junior Member for Hull (Mr. Wilson), who proposed that a fortnight's advance should be given in short and a month's advance in long voyages. It would be impossible to stop advances in foreign countries where such advances were legal, but still it would be well if some limitation were placed on them.

MR. HAMOND said, he was ready to accept the proposal of the President of the Board of Trade, that advance notes should be in all cases limited to one month. He would therefore, by permission of the Committee, withdraw his own Amendment.

MR. T. E. SMITH remarked that the Government had abandoned what would have been a great boon to seamen. He believed ships were lost soon after leaving port through the men being enervated by dissipation on shore. It was not so much that the men were drunk, as that they were in a state of semi-delirium tremens, the consequence being that, say on leaving the Mersey and getting into the Channel, they were unequal to the work required for the safe navigation of the vessel. He desired before the Amendment was withdrawn to direct the attention of the House to the difference between advances and advance notes. The latter could only be cashed under a heavy discount, and there was no such thing as advance notes in foreign countries, where, if an advance was made, the sailor received it in hard cash.

MR. GOURLEY held that it was impossible to dispense with advance notes, although shipowners would be glad to see them abolished. He thought that one of the first things which ought to be done in this matter was to put a stop to crimps and crimp boatmen, by which means desertion from ships would be greatly obviated. He would express the hope that the Committee would accept the reasonable concession of the President of the Board of Trade.

LORD ELCHO said, he was in favour of the clause being struck out altogether. He deprecated any interference on the part of the State between two grown men in their contracts and dealings with each other. To say they should not pay a sailor on the day before he sailed because the day after he might be unfit to navigate the ship, was like saying they should not pay a man his wages on Saturday because he might get drunk and be unable to go to church on the Sunday. It was a case of State-help versus self-help, and he respectfully entered his protest against all that kind of legislation, believing that they had no right to interfere in contracts between men, and believing that if they embarked on a dangerous course of interference they would do a great deal of harm. They ought to look for the safety of ships to other causes than this.

MR. STEVENSON wished to get rid of advance notes altogether, and he hoped the Committee would reduce them to the smallest amount, with the view to the ultimate removal of the mischievous



system. They were quite different documents from the monthly notes payable to the family of a sailor during his absence.

MR. STEPHEN CAVE said, he preferred the advance note to cash advances. At present the advance note was not a document of legal obligation. Advance notes or advances were given to enable sailors to pay what they owed on shore. Both were liable to great abuses, and he wished he could see his way to getting rid of them. The object, however, was a good one. It was to enable a sailor to live on credit whilst waiting for a ship. The evil attending them was owing to the improvident habits of sailors. During the strike at Cardiff a large number of sailors in the port waiting for ships were taken into different lodging-houses, where they were lodged and fed on the strength of those notes. What would sailors do unless they could obtain credit in the belief that either these notes or advances would be given to them? No doubt, the note had sometimes to be discounted at a heavy loss; but then the crimp had to protect himself against the chance of desertion on the part of the men and the advance note not being paid. The advance note was not payable till the sailor had actually sailed, but suppose instead of the advance note the sailor got an advance, the temptation to desert before sailing would be much greater, because when he had money in his pocket he would get rid of it a great deal faster, and perhaps find himself sooner in the prison mentioned by the right hon. Gentleman opposite (Mr. Knatchbull-Hugessen.) The allotment note was, of course, a totally different thing, against which nothing could be said.

MR. T. E. SMITH said, that this was not a question of interference with the freedom of contract, but the question was, whether they should give validity to a particular document connected with the payment of wages. Every assistance should be given in the way of getting good crews. The reason why shipowners could not get good crews now was this, that whereas formerly they could examine the men for themselves, they were now obliged to go before a Government officer with the whole pack of them, the ~~one~~ knew nothing whatever about and the men came before him one after another like a flock of sheep. Ship-

owners regarded that as a great hardship.

MR. GORST contended that no special advantage should be given to advance notes, but that they should be left to the ordinary and usual law of the land. They were documents of which the law took no peculiar recognition, and the declaration in the Bill would prevent men making a contract which would be perfectly lawful in any other trade. He agreed with the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) and the noble Lord the Member for Haddingtonshire (Lord Elcho), that if the Committee attempted in any way to interfere with freedom of contract, they would get themselves into inextricable difficulties. While willing, however, to accept the Amendment of the Government, in his opinion the best plan would be to omit the clause altogether.

SIR ANDREW LUSK rose simply to thank the right hon. Gentleman and the Government for trying to meet the difficulties in this case in a kindly and friendly spirit. This was a matter which must be compromised in some way or other. We must learn to give as well as take.

MR. KNATCHBULL-HUGESSEN protested against some of the arguments used by his noble Friend (Lord Elcho), who seemed to have forgotten the principles which governed our legislation in the Factory and Truck Acts. The question was, whether any interference was required on behalf of the sailors, and if so he hoped that the bugbear of interference with freedom of contract would not prevent the House from interfering. He hoped that as the question had been fully discussed the House would now go to a division unless something tangible were proposed by the Government.

LORD ELCHO said, there was the most marked difference in the spirit which guided Parliament at the time when Lord Shaftesbury introduced his factory legislation and Sir James Graham resisted it and now. Whereas the Liberalism of those days was in favour of the removal of restrictions on freedom of contract, except in the case of women and children, the Liberalism of these days was in favour of restriction upon full-grown men.

MR. HENLEY said, he was very glad the Government had made the alteration proposed in the clause, though he

thought the Act would have done very well without Clause 9. For the last 40 years the legislation between seamen and shipowners had gone on the assumption that all seamen were fools and all shipowners knaves. This Bill gave some liberty within the limits proposed, for treating both parties as fools it left them to do as they pleased within those limits. That was a return to a wholesomer state of things.

MR. D. JENKINS thanked the Government for what they had done, which would be a great boon to seamen.

Amendment (*Mr. Hamond*), by leave, withdrawn.

Amendment, in page 3, line 21, after "wages" insert "excepting to the extent of one month's wages in advance"—(*Mr. Bates*), agreed to.

MR. GORST moved an Amendment in order as he said to give effect to a recommendation of the Royal Commission. He understood the Royal Commissioners only wished to put a stop to advance notes, and not to stop advances in cash; and he proposed to omit from the clause certain words, with the view of leaving cash advances to seamen perfectly free from certain legal control, although advances on notes should be stopped.

MR. T. E. SMITH thought that the Amendment was a desirable one.

SIR CHARLES ADDERLEY said, he had no objection to it, because advances being made in money were simply in the nature of presents or loans which really required no legislation to empower, and which personal caution would keep within safe bounds.

Amendment agreed to.

On Question, That the Clause, as amended, be agreed to?

MR. MUNTZ moved its rejection on the ground that it was uncalled for, unnecessary, and unwise; and the Committee ought to pause before they interfered in the way proposed with a very important interest.

MR. NORWOOD said, the clause, as amended, was as unsatisfactory as it could be, it being "neither fish, flesh, fowl, nor good red herring." It gave statutable recognition to the system of advance notes, which had never yet been anything more than promises to pay,

*Mr. Henley*

possessing no legal validity, unless accepted by the party on which they were drawn.

MR. MACGREGOR said, if the clause was to be accepted at all, the compromise could not be more satisfactory; but he candidly stated that, while he appreciated the great amount of attention that had been bestowed on it, he thought it would be more satisfactory to the outside world if they abandoned the clause altogether. After all their fighting and wrangling, they had practically done nothing more than put things into the exact position they were in at present. No advances were given now for a longer period than a month, except in very exceptional circumstances, and these exceptional circumstances would be met by the provision that they should be allowed to advance more in cash. Therefore they were exactly as they were, and it was a pity they should go forth to the world and say they had done something when they had done nothing at all.

MR. T. BRASSEY said, that if the clause had been modified according to the Amendment of the junior Member for Hull (*Mr. Wilson*) he should have supported it, but in its then emasculated state it was unworthy insertion in an Act of Parliament.

MR. KNATCHBULL-HUGESSEN said, he also felt compelled to vote against the clause in its amended form. He had expressed to the right hon. Gentleman (*Sir Charles Adderley*) his readiness to give his clause as it originally stood every support, but its character had been entirely changed. The Government had thrown over the Report of the Royal Commission, they had thrown over their own views, and had at the same time effected no practical solution of the question.

THE SOLICITOR GENERAL said, the Committee was wrong in assuming that the Bill would legalize advance notes, because there was nothing illegal in them. It was true they could not be sued upon, but there was no law to prevent the shipowner from deducting the amount advanced upon them.

MR. SERJEANT SIMON said, the clause initiated a very pernicious principle in our legislation. There was a growing feeling amongst the newly-enfranchised classes that they should come to Parliament and ask for protection for their special interests; but he had on all oc-

casions endeavoured to point out to his constituents that the true course of freedom and independence was to have to do as little with Parliament as possible with regard to their private welfare. He should vote against the clause, as embodying that most mischievous principle of interference with the private affairs of people.

MR. BATES contended that the clause with the Amendment which had been accepted by the Government would effect an important improvement in the law. As one of the largest owners of sailing ships in that or any other country, he could say that the custom now was in many cases of long voyages to make advances amounting to two months' wages, but under the clause it would be limited to one.

MR. HERMON said, he should vote against the clause, on the ground that he was opposed to any interference with freedom of contract. It was absurd to say that a man who was capable of exercising the franchise was unable to make a simple contract for himself to the amount of about 30s.

MR. WILSON supported the Amendment for the withdrawal of the clause.

THE CHANCELLOR OF THE EXCHEQUER said, that the question of advance notes had for a long series of years been a source of difficulty in legislating for merchant shipping. The system of advance notes, however, was very different from that of advances; and the object in view was not to interfere with freedom of contract, but to restrain that particular instrument which was so liable to abuse. The Government, therefore, proposed to prohibit advance notes, but they found that the matter would have to be dealt with in a tentative manner, which they endeavoured to do by this clause in a form which would recognize the desirability of restricting, and, if possible, of ultimately putting an end to advance notes. If they were too far in advance of public opinion the law would probably be evaded, and the clause, while imposing some restrictions at present, might lead hereafter to further restrictions of the systems. If the Committee rejected it it would be construed by the public, after the recommendation of the Royal Commission, that the advance note system was a good one, or that Parliament was unable to deal with it, although it was abundantly clear

that it was a system requiring amendment.

MR. FIELDEN objected to the clause, because of its interference with freedom of contract in a very serious manner. In this kind of legislation Parliament assumed that the workman was less independent than formerly, whereas they were getting more and more so, and this paternal legislation was less required than ever.

MR. MACIVER expressed a hope that the division, if taken, would be upon the question whether the Report of the Royal Commission on this question should be upheld or not.

MR. E. J. REED suggested that, in deference to the opinion entertained on his side of the House, and also to the opinion entertained generally on the Ministerial side, the Government should withdraw the clause.

MR. DISRAELI: I confess that when I came down to the House I was under the impression, after what happened last night, that the clause would not be insisted upon; but, in consequence of suggestions which were very freely given on both sides of the House, and certainly on the side opposite, it was supposed that the clause could be so modified that it would meet with the general acceptance of the Committee. My own impression has not changed upon it. It appeared to me that if we carried the clause, it should be as it originally stood in deference to the Royal Commission—and, as far as I am concerned, entirely in deference to the Royal Commission—because the principle is one which if it were introduced into general legislation could not be approved of, for it involves an interference with the freedom of contract, and I believe that the maintenance of freedom of contract is one of the necessary conditions of the commercial and manufacturing greatness of the country. Certainly, I was under the impression that the clause, as originally planned, was conceived in respectful deference to the Royal Commission—a Commission that was entitled to the respectful consideration of the House. Since then I have seen that clause modified and diminished in its effect and influence in a very remarkable manner, and now we are called upon to decide upon that clause. I must say, so far as I can observe the feeling of the Committee, that in its diminished and attenu-



ated form the clause does not appear to me to have the confidence of either side. I should be perfectly prepared myself to support a clause on this subject conceived in the spirit of the recommendations of the Royal Commission. Whatever might be my own opinions upon the subject, believing that it would be the predominant feeling of the Committee on both sides, I should be perfectly prepared to support that; but when I find the issue before us has assumed the character which the present clause has, and believing, as I do, that it is not sanctioned by the majority on either side of this House, I myself am of opinion that it would not be wise to oppose the Amendment of the hon. Gentleman the Member for Birmingham.

Question put, and *negatived*; Clause *struck out* accordingly.

Clause 10 (Time of payment and effect of non-payment of wages).

MR. RATHBONE moved an Amendment providing that in the case of proceedings for the recovery of wages not exceeding £50 in amount, any Court of Summary Jurisdiction before which the case might in the first instance be heard, should have power to refer it to the Local Court of Admiralty for decision.

SIR CHARLES ADDERLEY said, he could not recognize the principle proposed, which would partially abolish the jurisdiction of County Courts.

Amendment *negatived*.

Clause *agreed to*.

Clause 11 (Settlement of wages).

MR. SHAW LEFEVRE moved, as an Amendment, in page 5, line 13, to leave out "or state" to "superintendent," in line 14, with the view of rejecting the superintendent of Mercantile Marine as an arbiter in cases of dispute between master and man.

SIR CHARLES ADDERLEY opposed the Amendment.

Amendment *negatived*.

MR. PALMER moved an Amendment to make it compulsory upon the superintendent of the Mercantile Marine to give a receipt for wages where a seaman was absent or incapable. As the clause stood it was only permissive.

Amendment proposed, in page 5, line 32, to leave out the word "may," in order to insert the word "shall."<sup>s</sup>—*(Mr. Palmer.)*

*Mr. Disraeli*

SIR CHARLES ADDERLEY opposed the Amendment on the ground that it was preferable to leave it to the option of the superintendent as to whether he would receive wages on behalf of absent seamen.

Question put, "That the word 'may' stand part of the Clause."

The Committee *divided*:—Ayes 251; Noes 116: Majority 135.

On the Motion of Mr. NORWOOD, the following Proviso inserted at end of Clause:—

"11. In cases where any seaman shall refuse or neglect to receive his wages, it shall be lawful for the master or owner to deposit the same with the superintendent, and in any legal proceedings thereafter brought by such seaman he shall not recover costs unless the amount awarded exceeds the sum deposited with the said superintendent."

On Question, That the Clause, as amended, be agreed to?

MR. BATES moved its omission.

Amendment *negatived*.

Clause, as amended, *agreed to*.

*Certificates of Competency.*

Clause 12 (Charges against officers).

MR. SHAW LEFEVRE moved, as an Amendment, in page 6, line 12, to insert after "gross" the words "neglect of duty." Certificates were sometimes suspended simply on account of errors of judgment. That, he thought, was rather hard; but it was a different thing in cases of gross neglect of duty, which ought to be provided for.

MR. RATHBONE opposed the Amendment, on the ground that in the case of a preliminary inquiry the introduction of the words would be mischievous.

SIR CHARLES ADDERLEY said, that these words would involve an alteration of the existing law, which it was not desirable to do, except for sufficient reason. He believed that the word "misconduct" was quite sufficient to cover all serious cases of neglect of duty, and there was strong reason for using the same word that was found in the existing law.

SIR WILLIAM HARCOURT said, it was desirable to deal with masters and seamen on the same footing. That was done in Clause 13; but by Clause 17 a seaman guilty of "gross neglect of duty" would be liable to imprisonment,



while the master would not be liable to imprisonment at all.

SIR CHARLES ADDERLEY denied that there was any inconsistency between the 12th and 17th clauses. If an officer had his certificate cancelled it was ruin to him for life, and a much severer punishment than could under the Bill be inflicted on a seaman.

MR. HERSCHELL said, the only question they had to consider was whether the words "gross misconduct" covered the words "gross neglect of duty." Perhaps the difficulty would be got over satisfactorily by agreeing to the Amendment.

THE SOLICITOR GENERAL said, that duties were of various kinds. The neglect of some would certainly be gross misconduct; but the neglect of others, which were of a trifling character, would not amount to gross misconduct, and it would be unjust to punish both equally. He thought that "gross misconduct" would cover "gross neglect of duty."

SIR HENRY JAMES believed everybody was agreed that neglect of duty ought to be punished, and therefore he did not see why the words should not be inserted, for the sake of clearness.

MR. NORWOOD contended that the clause as it stood was a perfectly correct clause, and did not at all clash with that which followed it.

MR. SERJEANT SHERLOCK thought the case would be best met by inserting both phrases.

MR. SERJEANT SIMON suggested that the words to be inserted ought to be "such neglect of duty as should endanger the safety of the ship, passengers, or cargo."

MR. T. BRASSEY said, that the Mercantile Marine officers would not object to the clause being amended as proposed, providing they were satisfied as to the competency of the tribunal before whom they were to be tried.

SIR CHARLES ADDERLEY said, he would accept the Amendment.

MR. RATHBONE hoped the right hon. Gentleman would adhere to the clause as it stood. He thought the opinion of the Solicitor General was right, as the words "neglect of duty" might be misconstrued.

*Amendment agreed to; words inserted.*

MR. HAMOND moved, as an Amendment, in sub-section 1, line 1,

after "complaint," to insert, "on behalf of the Board of Trade." The object was that complaints made before the Courts against any officer in the Mercantile Marine should be only made with the consent of the Board of Trade.

MR. MUNTZ trusted the Government would retain the clause in its present shape.

*Amendment negatived.*

MR. CHARLEY moved, as an Amendment, in page 6, line 18, after "England" to insert "any local Court of Admiralty jurisdiction or." His object was to put the County Court Judge with Admiralty jurisdiction on the same footing as the stipendiary magistrate. In many parts there was no stipendiary magistrate; but there were County Court Judges with Admiralty jurisdiction all round the coast. The offences mentioned in this section were only *quasi*-criminal—as, for example, tyranny, and required a more delicate investigation than a Police Court could always secure to the accused.

SIR CHARLES ADDERLEY said, he had no objection to the Amendment.

*Amendment agreed to; words inserted.*

MR. T. E. SMITH moved, as an Amendment, in page 6, line 16, to insert after "magistrate" the words "or failing these, justices of the peace sitting in petty sessions." It was very desirable that there should be some local summary jurisdiction.

SIR CHARLES ADDERLEY objected to the Amendment. It would be unwise and inexpedient that shipowners should try shipping cases in which they were personally interested.

MR. FAWCETT observed that, if it was unfair and unwise for justices to act judicially in marine cases, it was equally unfair and unwise for them to act judicially in cases under the Game Laws.

*Amendment, by leave, withdrawn.*

MR. NORWOOD in moving, as an Amendment, in page 6, line 30, to leave out "an assessor or" and insert "two or more," said, that the present mode of trying questions affecting marine officers was not a popular one. As the clause now stood "an assessor or assessors" were to be appointed to assist the magistrate in such investigations, and he pro-

posed to amend it by inserting that there should be "two or more" assessors.

MR. CHARLEY supported the Amendment.

SIR CHARLES ADDERLEY opposed it, observing that there were many cases in which a single assessor would be sufficient, while, if more than one were in every case required, it might be difficult in some cases not requiring them to find them. The sole object of these two clauses, in fact, was to take from the Board of Trade the duty of appointing assessors, which they proposed to transfer to the High Court of Admiralty. Such a high and independent authority he thought, might be safely charged with it. It also provided a more independent tribunal, for whose advice, but not co-operation, there should be this provision of assessors.

MR. SERJEANT SIMON thought that there would be no difficulty in finding plenty of assessors.

MR. GRIEVE agreed with the course proposed by the Government.

MR. MAC IVER supported the Amendment. Masters and officers of ships sometimes had the strongest reasons for finding fault with reference to the incompetency of the Courts which tried them, and the present clause would perpetuate their grievance.

MR. HERSCHELL inquired who was to determine whether there should be one or more assessors?

MR. GOURLEY hoped that the Amendment would be acceded to.

SIR ANDREW LUSK did not see the necessity for always having more than two assessors.

SIR CHARLES ADDERLEY explained that the Court itself would apply for such assessors as were required.

MR. NORWOOD said, that the questions to be determined upon these inquiries were of the most serious character, involving the character and future career in life, and every officer whose conduct was questioned would desire that there should be more than one assessor.

SIR CHARLES ADDERLEY observed that the present law was that the Board of Trade might appoint one or more assessors. No change on this point was proposed, but only a more independent choice of them.

MR. NORWOOD said, that the present state of the law was most unsatisfactory, and required serious attention.

*Mr. Norwood*

SIR CHARLES ADDERLEY promised that the clause should be so far re-considered that when two or more were appointed one at least should be an expert in the merchant service.

MR. SHAW LEFEVRE suggested that as it was now a quarter to 7 it would be advisable to report Progress rather than attempt to proceed further with the Bill at present.

Motion made, and Question proposed, "That the Chairman report Progress, and ask leave to sit again."—(*Mr. Shaw Lefevre.*)

SIR CHARLES ADDERLEY assented to the Motion.

Question put, and agreed to.

House resumed.

Committee report Progress; to sit again upon *Monday* next.

#### NATIONAL DEBT (SINKING FUND)

BILL—[BILL 142.]

(*Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith.*)

#### POSTPONEMENT OF THIRD READING.

Order read, for resuming Adjourned Debate on Question [18th June], "That the Bill be read the third time upon *Monday* next."

Question again proposed.

MR. FAWCETT moved, that instead of being put down for *Monday* after the Merchant Shipping Bill, it should not be taken until *Tuesday*. From accident the measure had not been fully discussed, and it had been put upon the Paper time after time without the slightest chance of its being reached.

MR. SPEAKER said, that as there was opposition, the Bill must, by the Standing Orders of the House, be upon the Paper for the Evening Sitting.

And it being now Seven of the clock, House suspended its Sitting.

House resumed its Sitting at Nine of the clock.

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

STATE OF TURKEY—TREATY OF  
PARIS, 1856.

ADDRESS FOR PAPERS.

MR. J. R. YORKE, in rising to call attention to the 9th clause of the Treaty of Paris of 1856, and to the condition of Turkey in so far as it bears on British interest; and to move an Address for—

“Copies of any Correspondence between the Foreign Office and the Sublime Porte relating to the non-fulfilment of the provisions of the Khathy Humâioun by the Government of the Sultan between 1856 and the present time; and, of Circular Memorandum of Fuad Pasha, dated July 1867, to the representatives of the Porte at the different Courts of Europe on the progress of the fulfilment of the engagement of the Khathy Humâioun,”

said, whatever charge might be brought against Parliament that Session it could not be said it had hitherto wasted much time on questions of foreign policy. There had been but two conversations on such questions in the course of the Session, one of which related to the Carlists; and he was encouraged in opening a third by a remark of the Prime Minister last Session, to the effect that he should not regret if the House occasionally diverted its mind from home questions by considering things which happened outside the boundaries of this country. The question which he wished to bring before the House that evening was one which he believed to be of immense importance not only to the interests of England but of Europe, and, if necessary, he could fortify himself with the authority of a long list of eminent names, from that of Chatham, who would not condescend to argue with a man who differed from him on this point, down to that of Lord Palmerston. Now, however, we were not content to rest upon authorities merely; and before he proceeded to show the state of the Turkish monarchy, he would give one or two reasons why he thought the independence and integrity of Turkey ought to be maintained. The Emperor Nicholas, in his celebrated conversation with Sir Hamilton Seymour, called Egypt our road to India; but he (Mr. Yorke) thought that in a truer sense Turkey might be called our road to India. We had in India 30,000,000 of subjects professing the Mahomedan faith, and for the most part they lived peaceably under our rule, being advised by their learned men that it was lawful and right to live

in peace under the British Crown. With the exception of the Wahabees in the North-Western Provinces, it might be said that the Mahomedan population were peaceable, orderly, and quiet; and it was difficult to limit the extent to which this was owing to the long-established friendship between the head of their faith, the Sultan of Turkey, the vicar of the Prophet, and the Sovereign of England. At a recent meeting of Mahomedans at Calcutta, a speaker from European Turkey enjoined obedience to England, and it appeared from Lord Elgin's despatches that Tippoo Sahib, at the time he made war against England, received a letter from Sultan Selim, then Sultan of Turkey, in which that Monarch requested Tippoo to desist from offensive enterprizes against England, inasmuch as she was the ancient and trusted friend of Turkey. His second point was, What would happen supposing there were to be a collapse and a partition of Turkey? Would Egypt and Candia be any compensation to us, even supposing they were given to us, as proposed by the Emperor Nicholas, for what we should lose? Constantinople could not remain a free city; the experiment of free cities had been tried and had failed. Where were the free cities of Cracow, Lubek, Frankfort, and Hamburg? Each section of the inhabitants of Constantinople would contend for the supremacy. Servia, Roumania, and Greece would wish to extend their frontiers at the expense of Turkey; Russia would succeed in the end, and the consequence would be the further consolidarity between the three military Powers which remained now that the sun of France had been eclipsed. As the partition of Poland produced the Holy Alliance, so these three Powers would come together in any question which affected their pre-eminence. At present they had the power of regulating everything which happened on the Continent, tempered only by the maritime supremacy of England; and, if Constantinople were in the hands of one of these Powers, how long would that power of England remain? With the vast forests and mineral wealth of Turkey in the possession of Russia, with a harbour commanding the Black Sea and the Mediterranean, and with all the resources of civilization, how long would it be before our maritime supremacy



came to an end? From Turkey and Russia we derived raw materials used in our manufactures. The basis of Turkish commerce was Free Trade; that of Russian commerce was Protection. In Turkey there were harbour dues and licence duties, but they were rendered necessary by financial embarrassment, and were not adopted on grounds of policy. If Russia and Turkey were under the same Government, and we had to depend upon them for supplies for our manufactures, and they had a high protective tariff over those manufactures which were sent into the country, the commercial position of England in the East would be seriously compromised. It was Turkey which enabled us to defeat the policy of Napoleon expressed in the Berlin decree. Our ascendancy in India, our maritime supremacy, and our interest in freedom of trade, therefore, constituted three strong reasons why we should defend the independence of Turkey. To pass, however, from material to moral considerations, Constantinople was the point of contact between Mahomedanism and Christianity, and Mahomedanism had more hold over its subjects than perhaps any other religion in the world. At present the best chance of Europeanizing and Christianizing the Turkish Provinces was to use the influence we could exercise through the Sultan; but if, with the Crescent and the Cross facing each other on opposite shores, Turkey passed into the hands of Russia, we should defer indefinitely the moral conquest we might otherwise achieve. His contention was that the integrity and independence of Turkey were seriously compromised by the present state of its finances. If the interest of Turkey was vital to us, so also must be its good government. He was sorry to say that the misgovernment of the country was flagrant, notorious, and even ruinous. The year 1854 was the first year in which Turkey learnt how to charge the future with the extravagance of the present. She had proved a very apt pupil, and between then and now she had borrowed in the European markets £150,000,000 sterling, two-thirds of which were held in England. Between 1854 and 1865 she borrowed in no one year more than £5,000,000, but in this case *vires acquirit laudo*, and in 1865 she began to increase her loans until last year she had borrowed £40,000,000,

issued by the Ottoman Bank. Of course, these loans were issued at increasingly ruinous rates, the last being issued at 5 per cent and the price being 42. The annual interest on the debt was £15,000,000. It might be asked what they had to show for that vast sum of money. They had two railway systems, both enormously great in promises but hitherto very moderate in performances. There were two main railways which were not yet finished; in Asia, there had been many schemes, but nothing was yet completed, except a few score miles of railway. Vast sums had been spent in re-organizing the Army and building new ships, but it was difficult to say how far the men were paid now, or whether they would receive any money at all if war broke out, and it was doubtful if these services were much improved. Palaces and mosques had been built, but chiefly out of the Civil List, and the fact remained that the only reproductive expenditure was represented by a railway. He would give a short account of the financial prospects of the year. The income raised last year was under 21,000,000 lira. Three-fourths of the entire revenue went to pay the interest on the debt; only one quarter, or 5,000,000 lira, was left for administration. The estimated expenditure this year was 29,000,000 lira. The available revenue was 21,000,000 lira, and the nominal deficit 8,000,000 lira. But the Turks added to their estimate 5,000,000 lira, and hoped to reduce the deficit to 2,000,000 lira or 3,000,000 lira by two calculations—1st, by estimating a reduction of 2,000,000 lira last year by Asia Minor famine as temporary, although it was very doubtful if it could be reduced more than 1,000,000, and, second, by estimating three new taxes this year as likely to produce 3,000,000 lira. Those taxes were a stamp tax, a Constantinople property tax, estimated to produce 2,000,000 lira, and a patent tax. This estimate, he believed, was delusive. The taxes would not be paid. If they were, the deficit would be 3,000,000\* lira. Taking the unrealized income at 2,250,000 lira—and this was a sanguine calculation—the normal deficit would be 5,000,000 lira at least. It was believed by those who were best informed on the matter that this deficit would amount to 11,000,000 lira. This was arrived at by estimating the expenditure



at 29,000,000 lira. The items constituting the deficit were these—Normal deficit, 4,500,000 lira; excess of floating debt over the amount consolidated, 3,250,000 lira; Asia Minor famine relief and purchases of arms, 2,200,000 lira; and public works, 1,300,000 lira, making an approximate total deficit of 11,000,000 lira. For practical purposes the normal deficit was 5,000,000 lira. This had to be annually met by new consolidation loans on increasingly ruinous terms. It was reported by those who ought to know that there would be a deficiency on 20 out of 29 sources of revenue. He ventured to predict that the revenue would produce about 4,000,000 lira less than the estimate; but on the most favourable hypothesis the revenue would be 22,000,000 lira, and the annual charge for debt being 15,000,000 lira there would remain a balance of 7,000,000 lira to defray all Imperial charges, including Army, Navy, a huge Civil List, and the Civil Service of the whole Empire. What was the moral and political significance of this? The services of the country were so starved that only one-half per cent of the revenue could be afforded for educational requirements; only 2 per cent for the administration of justice—Judges, to whom the decision of questions involving large commercial interests was confided receiving a salary less than that of a clerk in the Common Pleas—it meant backshish and necessary corruption. With the permission of the House he would give an extract from the letter of a correspondent who was well acquainted with the state of Turkey, in which the course of justice and the Courts of Law were thus described—

“Courts of Law, too, markets, not open markets, but dirty back-door shops, closets for fraud, corners for chicane, and dens where professional brokers meet the judicial staff to job causes and rob suitors. We have 2,000 British vessels annually passing in these waters. We have enormous maritime interests at stake, and these are confided to a Court where the corruption of the Judges, their ignorance and greediness, reduce the proceedings to a farce, for which suitors pay and by which commerce is robbed. We have lately been obliged to break off all communication with the Maritime Tribunal at Constantinople on account of its notorious corruption, and to refuse to refer British interests to these sinks of iniquity.”

Such was the state of justice, the backbone of a nation's well-being, in Turkey. Could it be wondered that capital fled

from it? There were great obstacles in the way of commercial and agricultural enterprise. The question suggested itself whether, under these circumstances, the revenue of Turkey could be increased. The country was replete with untapped wealth, for it was covered with virgin forests, and the soil abounded in the richest minerals, which only required capital to be made available; but at present agriculture was the only subject for taxation; therefore, to increase the revenue meant to increase the taxation of agriculture. But land was already burdened to the very margin of profitable cultivation. This burdensome taxation was aggravated by the mode of levying it. The chief tax on the land was the dime or tithe, which was taken in kind, and now stood not at 10 but 12½ per cent, and had been as high as 15 per cent. The cultivator had to convey the amount of the tax to the district *dépôt*, sometimes 15 miles away, at his own cost. The effect on agriculturists was exceedingly vexatious, and the general result of the system was simply to involve the whole country in misery and ruin. An illustration of the working of the system was afforded two years ago in the case of the famine caused by the want of rain in different parts. In other parts of the country plenty of rain fell, but there were no proper communications or other means whereby the condition of one district could be alleviated from the supplies which others could have afforded, and the result was that with rich harvests existing at no great distance from the famished districts, 150,000 lives were lost. The fact was that an easy acquiescence in corruption was the prevailing weakness of the Turkish character. The average duration of a Grand Vizier's term of office since the death of Ali Pasha was five months, and under such a system the Ministers thought it was the best way to take care of themselves. The Grand Vizier drew £30,000 a-year; the Finance Minister £15,000, and the Minister of Public Works £11,000. Considering the gross amount of money in the Exchequer such salaries could hardly be called moderate. And yet, although the condition of the country was so serious, he thought there were elements which, if rightly used, might bring about a restoration; but there was a previous question to be disposed of, and that was, What right

had we to interfere in the internal affairs of Turkey, and if so, how far? He thought we had, because Turkey was a country in which we had a vast interest; moreover, we were vitally bound up with her future. We had also lent her £100,000,000 sterling, and on all these grounds we were entitled to step in before her ruin was complete. With regard to the loan advanced by English creditors, it might be said the argument of *carcat emptor* applied, that those who went in for a high interest got a bad security, and we ought not to trouble ourselves on the subject. Now, in January, 1848, Lord Palmerston addressed a Memorandum to Her Majesty's Representatives on the Continent, in which he said it was entirely a matter of discretion whether our Government should interfere on behalf of our foreign bondholders, and he declared that our right to interfere as far as International Law was concerned was indisputable. The same doctrine was held by statesmen on both sides of the House on the Motion of Lord George Bentinck in 1847. Surely, then, we had a right to tender advice to Turkey in a friendly spirit when we saw a national collapse threatening her. He would further quote a despatch of Lord Russell's forwarded in 1862. The despatch was a telegram, and the words were—"I insist on instant transmission of the payment of the interest on the loan of 1858." If this was not intervention, what was? He did not commend the style of the communication to the present Foreign Minister, for it was somewhat too tart and concise, even though it assumed a telegraphic form, and had the additional merit of being far less prolix than some the House had heard of. But, further, we had spent £100,000,000 and sacrificed thousands of lives in the Crimean War, and were therefore entitled to see that we had got something in return for them. The real objects of that war were to take away from Russia the pretext for single-handed interference which she claimed to exercise in virtue of the Treaty of Kaynardji, and to introduce into the organization of Turkey, if possible, the humanizing influences of European civilization. Those objects were provided for by the 9th Article of the Treaty of Paris, in which allusion was made to the Khathy-Humâioun which, though not embodied in the

Treaty, was published shortly before and was communicated in the most solemn manner by the Sultan to the Representatives of the great Powers. It amounted to a solemn engagement on the part of the Sultan that certain reforms should be carried out. It was an extension of the Hatt-y-Scheriff of Gulhané, dated 1839, which contained 35 Articles, and promised, among other things, religious equality as between Christians and Mahomedans. Persecution was foreign to the nature of the Turk. He was a fanatic, but not a persecutor; and the cases of injury to Christian subjects which occurred were largely attributable directly or indirectly to the weakness of the central authority and the independence of the Pashas. The second part of the Hatt-y-Scheriff of Gulhané promised a codification of the law, mixed tribunals, the construction of railways, roads, and canals, and the establishment of banks to develop the resources of the country. Instead, however, of these improvements having been actually effected, they had still mock Courts, unpaid Judges, arbitrary procedure, and corrupt decisions. No step had been taken to admit Christians and Mahomedans on equal terms to the Army as had been promised. Multitudes died in Asia Minor for want of a road; and the chief achievement in making railways was the line from Constantinople to Adrianople that had given rise to a scandal of which most of them had heard. When Lord Lyons remonstrated with Fuad Pasha on the non-fulfilment of the Khathy-Humâioun, the Pasha issued a circular, dated July 1867, in reply, which was sent to all the Great Powers, and in which he described the difficulties with which the Turkish Government had to contend with, and asserted that she had done as much in the way of reform as could fairly have been expected from her in the time she had had for the purpose. Fuad Pasha died next year, and incapacity and corruption again prevailed. All the other Powers were continually meddling in Turkey. They all had Representatives on the spot, who mixed themselves up with petty commercial jobs, more or less, and each of them used its power to further the interests of its own country. The more patriotic Turks invited our interposition, and asked why of all nations England, their ancient friend

and ally, interfered so little. He now came to the grounds of hope for Turkey. She had had very bad times. She had an unfortunate war with Russia in 1829; her fleets were destroyed by the maritime Powers at Navarino; the Kingdom of Greece was carved out of her dominions; her Janissaries were destroyed; Albania, her chief recruiting ground, was in revolt; and in Egypt Mehemet Ali threatened her very existence. Under those circumstances there must have been unusual vitality in an Empire that could survive such extraordinary disasters. Turkey had a vast reserve of wealth in mines, timber, and cultivable land. It was estimated that only one-half of her cultivable land was under cultivation, and that its produce was capable under proper management of being multiplied four-fold. It was remarkable how quickly things recovered themselves in districts where there was anything like good administration. Mehemet Redschid Pasha, Midad Pasha, Governor of Vilayet of the Danube, and Ahmed Vefyk Effendi, at Broussa, were distinguished men, who had done much to remedy the evils they found in their respective provinces. These individuals were all alive and well, as were other able and honest men whom the Government would not employ. In Eastern countries, he might remark, society was far more homogeneous than it was in Western countries. In the former there had been no relaxation of the feudal system, and there were none of the numerous industrial and commercial questions which were continually cropping up in the West of Europe. If the Governor were changed it would be found that the whole landscape of the country around him would be altered also. It was this circumstance which made him hopeful of the future of Turkey, if diplomatic remonstrances could be addressed to her in such a manner as to be effectual. But as long as the Sultan's will and caprice were the only laws there would be no reliable improvement. At present the sinister influence of Russia, backed by Austria, was the only one brought to bear on him. The Sultan had possessed unlimited power since the reforms introduced by Mahmoud. There were limits on the power of the Czar of Russia and the Shah of Persia, but the power of the Sultan was practically absolute. The

Sultan's power had not, however, been always unlimited. Before Sultan Mahmoud's time, the Janissaries, a kind of Pretorian Guard, themselves checked by the Albanians, often became the armed organs of public opinion, but their turbulence finally made them odious, and when Mahmoud appealed to the people against them they were massacred by a rising *en masse*. The second limitation to the Sultan's power in former days was the Derebeys, or great provincial Pashas, who were feudal chiefs supported by armed retainers. These Derebeys were as independent as the Percies and Norfolks of our own early history, and the Sultan's writ ran in the provinces only so far as they chose to permit it. But they were destroyed by Sultan Mahmoud and his Grand Vizier, the Louis XIII. and Richelieu of Turkey, who introduced the Tanzimat, or new organization, substituting the Nizzam, a regular force of the Albanians. The people got wearied of the local magnates, and their armed force supported the Sultan as their liberator. However, by not erecting a National Divan as a check on the absolute power of the Sultan, they missed their opportunity and were now "chastised with scorpions." Ali Fuad, a real statesman, who had an instinct for the situation, saw the need of a check on the despotism of their master, and deliberately invoked it in the form of foreign interference, especially of England and of France, as far as France followed England. They were not jealous of the great personal influence of Lord Stratford, but counted it as a support to the reforms which they could not have carried out. This third limitation to the Sultan's power had now disappeared. The events of the Crimean War, coupled with French diplomatic audacity, substituted French for English influence. The influence of France became odious in consequence of its arrogance and its employment, not for the good of Turkey, but to advance petty French commercial interests. Then came the German War of 1870, and the Turks gladly seized the opportunity of throwing off the French influence. Unluckily, England missed her opportunity. Then came Prince Gortchakoff's despatch. The Black Sea Treaty was contemptuously torn up by Russia and thrown in our faces, and as a consequence Russian influence became paramount. The truth was, that diplomatic influence, as under-



stood by Fuad Pasha and exercised by Lord Stratford, had ceased to exist. General Ignatieff was now supreme. His influence, founded on fear, was backed by Austria, and was exercised for evil. The Turks perfectly understood General Ignatieff's policy, which was to weaken them by every means in his power. He supported all the vassals against their Suzerain, picked quarrels through consuls, with local governors, was intimate with the Sultan, whom he supported in his despotic acts, and he might, indeed, be described as the Mephistophiles of Turkey. The German Ambassador, Baron Werther, was General Ignatieff's shadow, it being the policy of Germany to conciliate Russia in order to get her support in the West. Austria again had abandoned independent action, because her crippled condition prevented her from taking any unless she was supported by England. All she did now was to develop her commerce with the vassal States and Roumelia, for which she had to bargain with Russia, who, of course, demanded reciprocal advantages. Her commercial necessities had become Russia's political opportunities. The commercial treaties with Roumania and the diplomatic action of the three Powers in the matter of Baron Hirsch's railways resulted from this solidarity between the three Powers. The only country which counted for nothing at present was England. She certainly kept out of diplomatic intrigues and scandals, but she also had to forego the higher duty of remonstrance and advice on the general good and bad governments of the country which Lord Stratford discharged with such effect. England had abandoned her old programme, and the Turk looked in vain for his accustomed friend at Pera. He would now say something about the personal character of the present Sultan of Turkey. The hon. Member for Hastings (Mr. T. Brassey), who visited Constantinople last year, wrote as follows:—

"The authorized Civil List of the Sultan is about £1,200,000, and by means of various more or less arbitrary grants it is actually little short of £2,000,000 a-year. All along the shores of the Bosphorus vast palaces and elaborate kiosks occur in succession at a distance of a little more than a mile apart. Some of these buildings are furnished in the most costly style. The daily dinner of the Sultan—he always dines alone—consists of 94 dishes, and 19 other meals are prepared in case it should be his fancy to partake of them. He has 800 horses, 700 wives, attended and

guarded by 350 eunuchs. For this enormous household 40,000 oxen are yearly slaughtered, and the purveyors are required to furnish daily 200 sheep, 100 lambs or goats, 10 calves, 200 hens, 200 pairs of pullets, 100 pairs of pigeons, and 50 green geese."

The people of Constantinople were quite aware of their Monarch's failings, and did not extenuate them in conversation among themselves. In fact, the Government of Turkey might be described as despotism "tempered by defamation of the despot." Scandals were constantly circulated respecting the corruption of the Court, and the Sultan was said to have accumulated vast wealth, among other ways, by occasionally receiving large sums of money from contractors. He now came to the practical part of the question, which was as to how we should conduct diplomatic intervention on the lines of the Khaty Humâioun. We had recently interfered, when Sir Henry Elliott remonstrated against the removal of a patriotic Minister. England could not afford to let Turkey alone. Our interests were too deeply bound up with hers for us to let her sink without, at any rate, making an effort that we alone could make effectually to save her, and he hoped therefore the British Government would make that effort. Next to England, the Turks valued France most highly, though France had in the course of her history done Turkey some bad turns. If we were to take no steps for that purpose it was not difficult to foresee in what manner the final collapse would come. There was a whole group of minor difficulties, some of which were constantly arising, such as the Montenegrin-Podgoritzza affair, the Roumanian Treaty of Commerce, and the Servian question, all of which were ready to be manipulated at any moment by designing persons, and converted into questions of first-rate importance, and in reference to which Turkey might be driven into a corner; then a military demonstration might be made by some Continental Powers, England would remonstrate as uselessly as she did at the time of the war with Denmark, and, war being declared, the beginning of the end would come. He asked Her Majesty's Government whether they would allow this undesirable consummation to come about without making a fair struggle against it? Were he addressing the Government of Lord

*Mr. J. R. Yorke*



Russell or that of the late Ministry, he should not have much hope in the matter; but he believed that the Conservative Government held the opinion that England had stood aloof long enough from the councils of Europe. As a possible arbitrator of peace or war between other Powers, we must take a more active part than we had of late in the councils of Europe, and it was therefore with much misgiving, but not without some hope, that he concluded by asking the Under Secretary for Foreign Affairs to lay the Papers referred to in his Motion upon the Table of the House, which Papers, he trusted, would show that the question he had brought forward had not been altogether overlooked by our successive Governments, and that hereafter a determined and decided position would be taken up by our diplomatic agents, so as to restore to England some portion, at all events, of her ancient *prestige*. The hon. Member concluded by moving the Address of which he had given Notice.

MR. BAILLIE COCHRANE said, that after the able and comprehensive speech of the hon. Member, and seeing that so many hon. Members were anxious to speak upon the subject, he should not trespass upon the attention of the House for any great length of time. He begged to second the Motion of the hon. Member in the same spirit in which the subject had been introduced by the hon. Member—a spirit that was in no way hostile to Turkey, and was not induced by any anxiety to show up the shortcomings and deficiencies of that country, but which, on the contrary, had for its object the strengthening and the maintenance of that kingdom. He believed that the object would be best attained by bringing this most important question before the country, and by obtaining from that House an expression of opinion with regard to it. It was impossible to deny that our influence in Turkey had greatly diminished within the last few years. That fact, however, was no reflection upon the merits of the distinguished gentlemen who had filled the post of English Ambassador at Constantinople since the days of Lord Stratford de Redcliffe. Since the death of Fuad Pasha and of Ali Pasha, who were both singularly advanced in their notions, Turkey had greatly deteriorated, and with that deterioration our influence had equally

deteriorated. The hon. Member, therefore, had done well in calling the attention of the House and of the country to the false position in which we might before long be placed with reference not only to that country, but with regard also to Russia. The hon. Gentleman had alluded to a letter which had been written in 1869 by Fuad Pasha, shortly before his death, to the Sultan. That letter was as follows—

“When this writing shall be placed under your Majesty’s eyes I shall no longer be of this world. On this occasion, therefore, you may listen to me without mistrust; the voice from the tomb is always sincere. . . . God has intrusted you with a mission as glorious as it is full of perils. In order to accomplish it worthily your Majesty must endeavour fully to realise one great and painful truth—the Empire of the Osmanli is in danger. . . . Among our foreign allies you will find England always in the first rank. Her policy and her friendship are as firm as her institutions. She has rendered us immense services, and it would be impossible to calculate those she may render us in the future. Whatever happens, the English people, the most steadfast and the most wonderful in the world, will be the first and best of our allies. I would rather lose several Provinces than see the Sublime Porte abandoned by England. . . . I come at last to Russia—that inveterate enemy of our nation. The extension of that power towards the East is a fatal law of the Muscovite destiny. If I had been myself a Russian Minister I would have overturned the world to conquer Constantinople.”

When it was remembered that that letter was written in 1869, and what the condition of Turkey was now, it was marvellous to see how great her deterioration had been in that short period. What was the present financial position of that country? Her revenue was £18,000,000 per annum, while the interest upon her debt amounted to £15,000,000, and the expenses of the Sultan’s establishment were £2,000,000, which left only £1,000,000 for the support of her Army, her Navy, and her Civil Service. The result was that loans were heaped upon loans, and the interest upon the old debt was paid out of fresh loans. That was certainly not a sound state of things. Contrasted with Turkey, how did Egypt stand? Why, under two of the most enlightened men of the day, the present Viceroy and Nubar Pasha, that country had within 10 years doubled her revenue, and, although £52,000,000 had been raised by loans, every penny of the money had been expended on roads, railroads, the Suez Canal, and other public improvements. The reason of

this difference between the two countries was that Egypt was not governed as Turkey was, by foreign influence. It was Russia who introduced the Note, in which Lord Stanley so wisely refused to join, ceding Crete to Greece. For different reasons from those by which Russia was animated, he approved that step only because it tended to strengthen the Christian element, while the artichoke policy of Russia was to weaken Turkey bit by bit until nothing was left of her but the heart of the artichoke, which Russia could then readily swallow. With regard to the existing relations of Russia with Turkey, the policy of Russia was to establish ports for her own advantage, and which she could herself control. He did not advocate any undue interference in the matter; but, at any rate, the opinion of England ought to be expressed so that the whole world might know what was going on. It was said that under the obligations of the Treaty we could not interfere; but Lord Stratford de Redcliffe had printed a letter upon the subject, in which he entirely denied that interpretation, and said that this country was not precluded from interfering in favour of the Treaty of Paris being carried out. The state of Turkey at the present time had been alluded to. What that state of things was would be found in the official Reports of our Consuls, which it would be well for the House to study. Mr. Consul Palgrave said—

"Capital has vanished from the land. Every undertaking, commercial, industrial, or agricultural, is smitten with failure. The social condition is deteriorating in every respect, the number of the inhabitants diminishing, and the symptoms precursive of a general bankruptcy, not of means and finances only, but of vitality and of men, becoming more menacing year by year, almost day by day."

*The Levant Herald* said—

"There is no capital in the country, consequently no enterprise, no spread of ideas, no real national vitality. . . . Continue the present system, and it is impossible to predict how soon there may be a general and hopeless collapse."

And, again, Mr. Locock, Attaché to the British Embassy at Constantinople, in a recent Report, said—

"There are many and serious evils affecting not only British merchants, but, one way or another, all British residents in this country."

Sir Bartle Frere, on the other hand, speaking of Egypt, said—

*Mr. Baillie Cochrane*

"There is one Eastern Power to which the eyes of all friends of Africa turn with hopefulness. Egypt has been the great centre of African civilization. Under the present dynasty, of the enormous increase of the aggregate wealth of the country there can be no doubt."

If Egypt had made such progress, why should not Turkey also materially advance? He could only say that they had already made great sacrifices, both of money and blood, in her behalf; and, in his opinion, by those sacrifices of the past, in the interests of the present, and for the hopes of the future we ought to endeavour to do something to remedy the existing state of things in Turkey.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies of any Correspondence between the Foreign Office and the Sublime Porte relating to the non-fulfilment of the provisions of the Khathy Humaioun by the Government of the Sultan between 1856 and the present time; and, of Circular Memorandum of Fuad Pasha, dated July 1867, to the representatives of the Porte at the different Courts of Europe on the progress of the fulfilment of the engagement of the Khathy Humaioun,"—(*Mr. Reginald Forke*.)—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

LORD FRANCIS CONYNNGHAM said, that young and inexperienced as he was, he should probably not have troubled the House upon the subject, for the old Eastern saying—"Speech is silver, but silence is golden," had always been his favourite motto; but having recently returned from Constantinople, to which capital he had proceeded upon a mission deeply interesting to all Christians at home, having reference to a subject of religious difficulty, he might be permitted to say a few words upon it. The mission had for its object the presentation to His Majesty the Sultan of a memorial numerously and most influentially signed by Members of that and the other House of Parliament, among the latter Lord Stratford de Redcliffe, by the Archbishops and many of the Bishops, and by the Lord Mayors and Mayors of most of our cities and towns. The memorial was intended to call the attention of His Majesty to cases

of religious persecution which had occurred in direct violation of the Hatt-Scheriff issued in 1856, and there was nothing in the memorial which could offend the susceptibilities of the most sensitive Moslems. It set forth the case of certain Ansairyeh subjects of His Majesty, whose religion, previous to their conversion to Christianity, was somewhat of a homogeneous character, as it contained the Sabeanism of the Chaldeans, the Fire worship of the Persians, and the old Baal worship of the Canaanites, and who had acted as teachers in Christian schools. No fault could be found with them as subjects of the Ottoman Empire, and yet after the death of Fuad Pasha and Ali Pasha they were subjected to persecution and even to banishment, the latter on the plea—a plea which he found to be without foundation—of protecting them from the fanaticism of the people. Cases of persecution inflicted upon Christians were also set forth, and it was hoped that the wrongs of those unhappy people would be redressed. The members of the mission were, however, informed that they could not be received by His Majesty, because they had not any known official character, and that it was not customary to receive a non-official deputation. That, however, was not a well-founded plea, as Sir Moses Montefiore on one occasion had an interview with the Sultan upon a question of Jewish persecution. There was only one course left for the deputation to pursue, and that was one which would have been derogatory to a mission which contained Members of both Houses of Parliament among its number. They might have presented their memorial, but they must have done so like the Mahomedans. They must have stood in the streets as the Sultan went to the mosque, and by that means alone could they have got their memorial into His Majesty's hands. The greatest interest was shown by Christians of all denominations in the success of the mission, and the Roman Catholic Bishop of Constantinople bitterly complained of the persecutions which some of his flock had suffered at the hands of the Mahomedan authorities. He did not complain so much of the Mahomedan population as of the Maho-

“ authorities, because in the days of Pasha there were none of these  
 as. The deputation finally

came to the conclusion that they had better leave the address with Her Majesty's Ambassador and return home. Having served in His Majesty's Navy in the East in 1851, and during the Crimean War, he knew something of Turkey, and when he visited Constantinople last February, he became sadly aware how great had been the change since the time when this country was represented by Sir Stratford Canning, now Lord Stratford de Redcliffe. The Turks had a saying that if a Turk became a Christian it was desirable to cut off his head at once, because if once “the great Eltchi,” as Sir Stratford was called, came to know it, he would not allow it to be done. He did not blame this or that Minister, and it was difficult to state how it had happened, but the influence of England was at present at its lowest ebb in Turkey. He was asked by people of all classes “What is England doing?” and he was assured that if she went on in her present course her legitimate influence with Turkey would soon become a name and a recollection of the past. After the great sacrifices she had made to maintain the Turkish Empire, she ought to insist upon the Christians being exempted from persecutions, and receiving the protection they were justly entitled to.

MR. BAXTER said, that for many years past he had felt that our relations with the Ottoman Empire were exceedingly unsatisfactory, and without going back to the Crimean War or tracing the policy or the projects of Russia, he thought that the present social and political position of Turkey ought to be better known to the British public. His acquaintance with that country began in earlier life, and, as he had just returned from a six months' visit to the Levant, perhaps the House would allow him to describe in simple language what he saw and heard. He was not an advocate of any particular policy in the East, but the deplorable condition of things in Turkey was so profoundly impressed upon his mind that, although he had not taken part in a foreign debate in that House for many years, he felt it his duty to say a few words on the present occasion. When he had formerly been in the East—and he had been there several times—there had always been among the foreign residents, and especially among the British, a very



strong "Turkish party," who believed in the resurrection of Turkey, who thought that new life had been infused into it, and that the signs of decadence had passed away. He was bound to tell the House that he met on this occasion with no such party at all. On the contrary, every man he met, native or foreign—British, French, German, or American—mercantile men, officials of the respective foreign Governments, and missionaries, were all agreed that things had come to such a pass that a break-up was inevitable. The subject was uppermost in men's thoughts, and they were all told that the misgovernment, oppression, venality, and corruption of the oppressed Turkish Empire were so great as to fill men's minds with apprehension and alarm. But more than that, he had met with men in high office—Pashas of high rank and others—who, not only in private, but in public conveyances, spoke in the most open manner, and without hesitation of the approaching break up of the Turkish Empire. There were still many people who believed in the stability of Ottoman rule, and, he was sorry to say, there were other people who had invested their money in Turkish bonds. Now, there were some things which these persons ought to know. He had inquired whether it was true that no Turkish Minister of State either past or present had ever invested his money in Turkish bonds. It was commonly reported that these dignitaries were just as well aware as other people of the impending catastrophe, and that at this moment they were engaged in the very pleasant process of feathering their own nests. He had heard of Pashas presiding over large districts who could not speak a word of Arabic. They could only speak Turkish, and they were unapproachable by the people, except by means of large bribes. It was notorious that Pashas who governed districts for only a year or two, and some even only for a few months, returned to Constantinople very rich men. It would be well therefore if those who invested their money in Turkish bonds on the faith of promises that the money would be spent in developing the resources of Turkey would just inquire a little into the manner in which those promises had been fulfilled. The hon. Member for East Gloucestershire (Mr. Yorke) had given the House much valuable infor-

mation on the subject; but one of the principal statements made by the promoters of these loans was that Turkey required the money for roads. Well, how much of these loans had been spent on roads? He doubted whether Turkey had a single road except that between Beyrout and Damascus, and that had been made and sustained by the French Government. Nothing whatever had been done, as they had been led to expect would be, to facilitate commerce. The Civil List was not only extravagant, but there was no check upon it whatever; and all the money collected out of the pockets of the people of this country on the plea of developing the resources of Turkey had been spent in useless palaces, upon useless officials, in adding to harems and building that fleet of iron-clads which were of no use whatever in propping up a tottering and decaying Empire. During the late famine in Asia Minor thousands of people had perished, not because there was no food, but because there were no roads to transport the provisions sent by benevolent people in Europe to the starving population of Asia Minor. It was even asserted that a quantity of that food had been actually sold by the local Turkish Governments. Remarking upon an excellent pamphlet which had been published on the condition of things in Turkey, *The Times* used the following language:—

"We find here clearly indicated the reasons for the perfect paralysis and helplessness of the country—namely, an ill-informed Government, an untrustworthy executive, a peasantry without capital or credit, overtaxed and subject to extortion alike of the local authorities and the usurers—the want of a middle-class and the destruction of manufacture by the suicidal policy of the Porte, and their arbitrary treatment of trade. Add to this the want of roads and the utter inability of the peasant to make his cries heard either for justice or pity, and we need seek no further for explanation of the dire misery which is covering Asia Minor as with a dark garment. The whole evidence of this transaction, we regret to say, leads to the conclusion that neither justice, nor generosity, nor humanity regulates the conduct of the ordinary Turkish official."

All this, in this opinion, pointed directly to national bankruptcy; and he could not understand how any one could rise from a perusal of the correspondence with regard to the Turkish Loans of 1858 and 1862 without coming to the conclusion that such a catastrophe could not long be avoided. It was not, however, the



business of the Foreign Office to interfere in these matters; the remedy was not complaining to the Foreign Office, but withholding more money. Quotations had been made from Earl Russell and Lord Palmerston involving a policy which he hoped had been abandoned by this country, and he would supplement these quotations by one from a despatch written by the present Lord Hammond on the 26th of April, 1871. He said—

“Her Majesty’s Government are in no way party to private loan transactions with foreign States. Contracts of this nature rests only between the Power borrowing and the capitalists who enter into them as speculative enterprises, and who are content to undertake extraordinary risks in the hope of large contingent profits. Further, it is scarcely necessary to point out the endless troubles which certainly would arise if the active intervention of England were exerted to redress the grievances of bondholders. Independently of the expense which would necessarily be incurred, and the risk of international complications, forcible measures, if adopted towards small States, which for the most part are the ones complained of, would subject this country to grievous imputations. For such and other obvious reasons, Her Majesty’s Government have determined, as a matter of wise policy, to abstain from taking up, as international questions, the complaints of British subjects against Foreign States which fail to make good their engagements in regard to such pecuniary transactions, or to interpose, except by good offices, between bondholders and the States by which they may be wronged.”

He hoped that extract, which met with his (Mr. Baxter’s) entire approval, and which he should be glad to see sent to every holder of foreign bonds, would be endorsed on the part of the Government. Everything he saw and heard in the Turkish Empire left a melancholy impression upon his mind, on account of the universal deadness that prevailed; land was going out of cultivation; taxes were oppressive, ridiculous in amount, and made more galling by the violence with which they were collected; the population was falling off in once fertile districts; crimes of violence were increasing, and murders were committed in the large towns, and were passed over not only without the discovery of the perpetrators, but without investigation. It was only the other day we read in the newspapers of an attempt to murder in the streets of Damascus our able Representative Mr. Green, whose merits, he hoped, would be recognized by promotion, and although the ruffian was well known, no action was taken until

strong representations had been made in the matter by all the Consuls, in the course of a deputation to the Governor. That was but a sample of what was going on all over the Empire. In Syria he spent two months, and he did not meet a man who did not voluntarily express an earnest hope for a change of Government. All deprecated and deplored in the strongest manner the action of Great Britain in 1840 in driving out Ibrahim Pasha, and so detested was the Turkish Government in Syria, that the people would be glad to be annexed, in preference, to Egypt or any other Power; and the Syrians in Turkey were looking for a Confederation on the Danube or anywhere else or anything which could save them from the oppression and corruption that prevailed in Turkey. He should be glad if Great Britain could do anything, but he could not see that energetic diplomatic action would make things better, and yet nothing could be worse than their present condition. As to the oppression of Christians, the universal testimony of every one he met was that the old spirit of Mussulman fanaticism had risen once more, and had risen just in proportion as the Mussulmans felt they were about to lose, and to lose for ever, their dominion in Europe. Many persons said to him that they expected before long to see a renewal of such massacres as disgraced Damascus; and every person he met expressed a fervent and ardent hope that whatever complications arose, whatever steps were taken, nothing would be done by Great Britain to prop up a Power which had been guilty of such dereliction of duty.

SIR H. DRUMMOND WOLFF said, the Khathy Humâioun of 1856 partook of a European character; it was formally communicated to the Powers and solemnly recorded in a Treaty, and it was designed, according to Lord Stratford de Redcliffe, to secure liberty of conscience, security of personal property, and the development of the resources of Turkey. It was all that remained to us of what was achieved by the Crimean War; and we were, therefore, justified in discussing the provisions and the success of a law which cost us so much blood and treasure. He thought, however, as far as the interests of this country were concerned, looking at the matter in a selfish point of view, what she had to consider most was the safety

of her own possessions in India, especially the Euphrates Valley. Of the 14 races in Turkey, nine were Christian, and no one of those would like to see the other dominant. In 1854, Lord Palmerston, who had been considered the first authority on this subject, endorsing an opinion confidently expressed by Mr. Palgrave, said that, however much they might wish that those vast and fertile regions should be ruled over by a Christian Government, the Mahomedan race was the only one that could keep the country together. It had always been the misfortune of Turkey that she undertook more than she was able to perform, and now that councils had been established to assist, the Pachas endeavoured to shift their responsibility upon the councils. Fuad Pacha, however, in 1867, talked of various reforms which had been effected, and to these might be added a law as to colonies, and the right of foreigners to hold land; and altogether the catalogue of improvements attempted by Turkey had not been a small one. In the first place her Army and Navy had been much improved; and although this might have impoverished the country, yet it must be borne in mind that by the Treaty of Paris, Turkey had been to a great extent thrown upon her own resources to support herself against her great enemy Russia. The revenue had increased from £2,712,000 in 1860 to £19,500,000 in 1873, and if a proper administration were established in the provinces and the finances put into good order, and if honesty were enforced in the Central Bureau at Constantinople a revenue of £27,000,000 might be very easily raised. Trade, too, had of late greatly increased in Turkey. In 1859 the imports were valued at £2,813,000. In 1873 they rose to £6,068,000. The exports in 1859 were £4,680,000, and in 1873 £8,120,000. On the other hand, there was something very sad in the state of the accounts, for she was ground down by a taxation of from 30 to 40 per cent. She suffered from a deficiency of good roads, from a bad administration, and from the famine in Asia Minor. An hon. Gentleman had moreover stated she had to endure an increasing load of debt. That, no doubt, was so, but still Turkey had never done what Italy or Austria had done. She had never imposed an income tax upon the interest of her foreign loans. She

had never repudiated her liabilities, but had on the contrary made every honest effort to meet her liabilities. In 1862 this country sent out financial agents to Turkey to instruct her how to borrow, and when the Government sent out an agent like Captain Tyler to teach her how to spend the money she had raised, they had to listen to complaints on both sides of the House. We had, he thought, taught her a bad system of finance, for such he considered a system of loans founded upon the hypothecation of particular revenues. All such loans ought to be raised on the faith of the country itself. What was to be the remedy? Isolated laws would not cure the evils which existed, so long as there was no one to administer them properly. What was wanted was good local government, irrigation, and commercial enterprise, assisted by foreign capital, looking only for ordinary mercantile return, and not for Government guarantees. What was really required was the reform of that centralization at Constantinople from which emanated the whole of the administration of the country. Turkey had no public opinion like Russia, and Constantinople had no press like Moscow. Therefore, it was impossible to permeate the provinces with opinions from the capital, whilst, at the same time, the provinces could not influence the capital. No one could report against the local officials but the Consuls, and they acted principally from the interests of their own countries or from some personal jealousy. He happened for some time to see a great deal of Fuad Pacha, and he said that one of the great evils of Constantinople arose from the wives of the great functionaries being immured in the harems, so that there was no society there. Another of the great evils in connection with affairs in Turkey was the wretched constitution of the Consular tribunals, and although he did not wish to reflect in any way upon the memory of that noble Lord, he thought that that constitution inaugurated by Lord Clarendon and adopted by the Governments of other nations, had done a great deal of harm to Turkey and to the countries which traded with Turkey. The capitulations of 1675 laid it down that if any dispute happened to arise among English subjects, the decision thereof should be left to their Ambassador or Consul without the Judge or

other Governor interfering. But that was intended to apply only to a small number of the English themselves living at Constantinople, and the erection of a tribunal with such powers as were now claimed was never contemplated. He recollected one day walking down the Grande Rue at Pera, when he was attacked by an English sailor. Nobody would interfere, and he had to take such measures as he thought proper in his own defence. At Galata, again, there were gambling houses under Dutch protection, for there were no fewer than 16 protections, jurisdictions, and systems of police at Constantinople, and these had to do only with their own co-nationalists. When it was found that these houses were under Dutch protection, the Dutch Consul was applied to; but the owners said that they had made them over to the Portuguese, and the Portuguese in their turn had a similar story to tell, and so these gambling houses could not be got at. We ought to make some allowance for the difficulties of a country which had 14 races, 19 religious sects, and 16 or 17 jurisdictions. The refusal of the Sultan to receive the English Mission was a token of our diminished influence. That Mission had been invited by one Turkish Minister to go out; but by the time they arrived, another Minister was in power, who refused to allow them to see the Sultan. For some years we had looked upon our Ambassadors as merely the needles of a telegraph to be worked by somebody in London, and therefore they had lost their influence. In 1864 one of the Resolutions of the House of Commons affirmed to a great extent the principle of non-intervention. From that time our Ambassadors had been regarded as mere agents, and forbidden to exercise any personal influence but it was personal influence which was important. Let hon. Gentlemen only call to mind the influence which M. Van de Weyer possessed when he was Belgian Minister in London; and Baron Solvyns, who was now here, when at Constantinople exercised an influence superior to that of the British Ambassador. But the noble Lord at the head of the Foreign Office had recently assumed in European politics an attitude worthy of the country, and he (Sir H. Drummond Wolff) trusted the noble Lord might pursue the same policy at Constantinople, enter upon a

salutary course of advice and assistance, and restore to us the name we once held on the Bosphorus of being the true, faithful, and impartial friend of Turkey, and of all her various nationalities.

MR. EVELYN ASHLEY said, the question of religious persecution in Turkey was much more germane to the subject brought before the House that evening than might at first sight appear. Among the few things to be gleaned from the debate, one was the statement of the right hon. Gentleman the Member for Montrose (Mr. Baxter), that the growth of fanaticism in the Ottoman Empire was one of the most remarkable features of the day, as evincing its weakness. He (Mr. Ashley) quite coincided with that view, and he maintained that if Her Majesty's Government failed in pressing on Constantinople the evils of religious persecution, they would not only fail in the traditional policy of the country, but do a great disservice to Turkey herself. The House had heard that the abuses that prevailed everywhere in Turkey were due to the weakness of the central powers and the want of control over distant Pachas. He believed that to be the fact. If that was allowed to be pleaded as an excuse for acts of fanaticism, it would also be used to meet any pressure put upon the central authority for the promotion of the other reforms promised in the Khathy Humâioun. With reference to the question whether we were prevented by an Article in the Treaty of Paris from interfering in these matters, he would quote an authority which would be conclusive. In the debate in that House on the Peace of 1856, Lord Palmerston said—

“It is said that that which the Sultan gives to-day he may revoke to-morrow, and that the treaty does not give to the Allied Powers that right of interference which some hon. Members think necessary for the security of the Christian subjects of the Sultan. . . . The Sultan, however, was perfectly willing to give to the Allies that sort of moral right which I think ought to be considered a sufficient security for the maintenance of the arrangements which were made, and which in themselves were satisfactory. . . . For some time to come cases will arise in which the firman will not be fully executed by the authorities of the Porte in distant provinces and in places not immediately under the view of the consuls; and if that should occur, the fact of the firman having been adverted to in the treaty and the issuing of it having been recorded in the treaty, would give to the Allied Powers that moral right of diplomatic interference and of remonstrance



with the Sultan, which I am perfectly convinced would be sufficient to accomplish the desired purpose. . . . But at the same time the transactions which have taken place at Paris and the stipulations contained in this treaty will give to all the Powers the right of watching whether the firman is carried into effect, and of remonstrance in case of violation of it; and I am convinced that this right will, in course of time, cause the firman not only to be looked upon as law, but to be carried into practice throughout the Turkish Empire."—[3 *Hannard*, cxlii. 124-5-6.]

There could be no doubt, then, that the Treaty gave us the right of exercising such a moral pressure on the Turkish Government as would be sufficient for the purpose, and yet the Foreign Secretary declined to interfere for the presentation of the memorial of the deputation at Constantinople. He hoped the Government for the future would not fail to give effect to the policy indicated by Lord Palmerston in the extract he had read.

MR. W. C. CARTWRIGHT said, that, carefully as he had listened to the debate, he had not heard anyone state what the British interests in Turkey were. He thought it was essential that some attempt should be made to define those interests. For himself, he fancied that our interests were confined to this point—that Turkey should show that she preserved within herself those elements of stability which would enable her to maintain its national independence. He felt bound regretfully to say that the condemnatory terms in which Turkish rule had been spoken of to-night were mainly borne out by fact. The right hon. Gentleman the Member for Montrose had told them what he had seen in his late visit, and his (Mr. Cartwright's) own recollections, though his experience was not so recent, confirmed all he had said to a melancholy degree. It could not be said that an Empire that witnessed the brawl which took place at Montenegro could be in any other than a precarious condition. That opinion was borne out by the testimony of men most experienced as to the condition of Turkey—men who were living in that country long enough to be unmoved by the expression of any sentimental grievance, and whose position entitled their testimony to credit. Three Consuls had reported on the condition of the people in the regions which they respectively represented. The Consul of Beyrout, an experienced officer, said the peasantry

were oppressed alike by the wealthy of their own people and the officials of the Government. The poverty of the peasant rendered it impossible to seek protection from the proper tribunals owing to the great distance which he would have to travel for that purpose. One great evil was the want of Government assistance to the encouragement of agriculture. The Consul at Bosnia said the too frequent changes of the Government was a great evil, owing to the placing of persons in power who were ignorant of provincial affairs. The Consul at Damascus deplored the low state of agriculture, and the decrease of the population. A great deal had been said of the equilibrium and balance of power, but Turkey should be able to afford evidence of its efficiency to maintain itself as a Power worthy of consideration, and it was, he urged our interest to assist the development of the material resources of that country. Those regions were important in connection with that object; and it was most desirable that they should be under a Government which could give guarantees that it was able to maintain itself against those who might challenge it. He was bound to say he had some misgivings that the policy of this country lately had not been that of holding out a ready hand of assistance to organic elements whenever they had shown themselves, which might, in the event of a catastrophe occurring there, afford a useful substitute for the Government which now existed. He was alluding to the efforts which had been made of late by the Danubian Principalities to negotiate Treaties of Commerce. It might be said that that was a dangerous precedent, and that the Turkish Government might to some extent put a veto on those negotiations. But if any counsel had been given, as he believed it had, by our Government on that matter, he was afraid that they had rather come athwart, and had retarded the development of that which might have proved an element of strength at a future day. Imperfect as those countries had shown themselves in many respects, he thought it would be acknowledged by all who were acquainted with them that they possessed greater activity and vital force than were at present manifested in the Turkish Provinces. Would it not, then, be a wise policy on our part in every way to

*Mr. Evelyn Ashley*



stretch out a hand of fellowship to those elements when they showed, not any political ambition, but a desire for material progress? There was great evidence of want of vital energy and mismanagement in the Turkish Provinces, and although they were told that the Turkish Government had never repudiated the payment of the interest on its debt; yet he wished to know how much of that interest had been paid out of loans contracted for the purpose of paying it. He admitted that no prudent politician would like to attempt to disturb the Turkish Empire—at all events, at the present moment. A chance circumstance such as occurred a few months ago on the Montenegrin frontier might, however, bring about an explosion which every politician would deplore. He did not wish to say anything harsh of Turkey, but still he hoped the criticisms made in the course of this discussion would, though unpalatable at first, prove beneficial in the end.

MR. BRUCE said, he had much knowledge of Turkish affairs, and regretted that observations had been made indicative of a desire on our part to interfere in their domestic affairs. He would, therefore, like to ask one question—namely, whether that House meant that they should undertake the government of Turkey? He had listened with some regret to some of the remarks made by his hon. Friend the Member for East Gloucestershire (Mr. Yorke) about the Sovereign and Ministers of an independent Power. In particular, he was sorry the statements about the Sultan's habits and mode of life had been quoted in the House of Commons. He also regretted that the hon. Member had spoken of one able administrator of the Empire in a way as if the hon. Member wished him to return to power; because it was undesirable that opinions favourable to any particular Minister resuming power in a foreign country should be given in that House. Some of the Turkish Ministers since Fuad Pasha and Ali Pasha did not deserve the language which had been applied to them, for they were men of since patriotism and undoubted ability. He had had great experience of Turkey, and was aware that there was much misgovernment in the country; but it must be borne in mind that it was most difficult to obtain accurate information on the subject. There was properly no

independent Press, and no public opinion, while the ruling classes were from their nature singularly reticent. There was no middle class in Turkey, and the merely official superintendence of executive officers had seldom been able to keep them in order, unless those who were under them had the opportunity of expressing their opinions and making the Government feel how they were treated. Consequently, we were usually left to gather what occurred in the country from the stories of people who might be very ill-informed respecting the real condition of affairs. Under the system of capitulations those who should form the middle class were taken out of all responsibility, and placed under the jurisdiction of those Consular Courts, which were established in so many towns of the Turkish Empire. In many places there were Consuls of 16 different nationalities. The Consuls had dragomen, some of whom were scoundrels; and these people who occupied a kind of official position were able at any time to bring about the fall of any Governor who happened to displease them. He thought a great many of the administrative difficulties arose from the position in which foreigners were placed, a position without example in any European State. The want of progress of Turkey in reform was a great deal owing to the absence of that influence formerly exercised by the English Government. Events in Europe had changed the relative power of nations, and if the British Ambassador was active, the Russian and German Ambassadors would be active. As to the Christian population, he believed they had not been treated with any settled persecution by the Mahomedans; there might be in some remote parts persecution and violence, but even in the British Islands sometimes they had cases not altogether dissimilar. The Protestant sects generally had met with the sympathy and indulgence of the Turkish Government, because they were not animated with that anti-national feeling which belonged to some other creeds. They must not forget the position of the Christian population in Turkey. In Europe they had seen the effect of large Christian communities being under the influence of foreign Powers. They had seen what had happened in the case of the Roman Catholics of Germany and Poland, and in Turkey it was not

wonderful if there was a little hostility. Besides, there was quite as much hostility between the different Christian sects as between the Mahomedans and the Christians, and those who had been at Jerusalem at the Great Festival, and seen how the Christians were only kept from flying at each other's throats, would admit there was a great deal of fanaticism that did not belong to Mahomedanism. The great difficulty which had to be met in Turkey was weak administration, and whatever might be said of its finances, it had as yet always paid its dividends. If the English Government should adopt any policy with regard to Turkey, it should be a policy not of men, but of principles, and its object should be not to interfere with the Turkish Government, but to prevent others from interfering. He regretted extremely that the much-needed reform as to the establishment of Consular Courts in Egypt—a subject which had been debated in that House last year—had not been carried out by Her Majesty's Government, all the more that as he understood France was the only Power which objected to take action in the matter. If such a policy was recommended with respect to Turkey, he hoped that England, for the sake of her own position and influence, would take an independent lead, and would not wait to see how other Powers would act.

MR. BOURKE said, that the Motion which had been so ably introduced by his hon. Friend the Member for East Gloucestershire might be divided into two portions. It first asked for the production of correspondence between the Sublime Porte and the Foreign Office relating to the non-fulfilment of the provisions of the Khathy Humâioun by the Government of the Sultan between 1856 and the present time. He had to inform his hon. Friend that it was the intention of Her Majesty's Government to lay upon the Table a considerable number of Papers relating to the alleged persecution of Christians in Turkey, and the Papers which his hon. Friend referred to would be found among them. With respect to that which was next asked for by his hon. Friend, there was no such Memorandum in the Foreign Office as that mentioned in the Notice; but there was a Memorandum of Fuad Pasha of May, 1867, which was no doubt that which his hon.

Friend required, and he would find that it had been for some years upon the Table of the House of Commons. In point of fact, therefore, there was nothing in the way of Papers to be moved for. His hon. Friend, however, proposed to call attention to the 9th clause of the Treaty of Paris and to the condition of Turkey, in so far as it bore on British interests. Now, he had listened with some curiosity throughout the debate to hear of anything which had special relation to British interests in connection with the subject referred to—namely, the Khathy Humâioun—and he had not heard a word which tended to show that British interests were specially affected by our relations with Turkey in that respect. [SIR H. DRUMMOND WOLFF: The road to India.] Yes; but our road to India did not lie through Turkey. [SIR H. DRUMMOND WOLFF: Egypt.] Well, Egypt was, no doubt, a part of the Turkish Empire, but it was remarkable that during the entire discussion Egypt had been very little alluded to. However, with respect to that part of the Motion of his hon. Friend, he would ask the attention of the House to the 9th clause of the Treaty of Paris, and to the fact that that clause distinctly laid down that it was not the right of the Powers to interfere collectively or separately in the internal affairs of Turkey. The whole condition of the Turkish Empire had been minutely described, and not only its material condition, but the relations existing between the Turkish Empire and the other Powers had been adverted to. Questions relating to the Turkish Army, the Navy, its financial system, and the Civil List of the Sultan had been brought into the debate. He should be guilty of great indiscretion if he followed hon. Members into these various subjects, and Her Majesty's Government would be showing a bad example to the rest of the world if they interfered in the internal affairs of Turkey when it was the object of the signatories to the Treaty of Paris in the 9th Article to put an end to such an interference. Apart from the Treaty of Paris and our international obligations, there could be no greater act of imprudence than for the representative of a Foreign Department to enter into a discussion upon the internal affairs of a friendly Power, because in so doing

he would not fail to meet with delicate and difficult questions which were better fitted for diplomatic correspondence than for debates in the House of Commons. If that were true as a general principle, he must say that in the case of no country ought that principle to be more scrupulously followed than in the instance of Turkey; because, if they recollected the past history of Turkey, the variety of its races and religions, and the intensity of the rancour existing among different sects, it must be admitted that Turkey, of all the other nations of the world, necessarily encountered the greatest difficulties in the administration of her internal affairs. These difficulties, moreover, although great in themselves, were much increased by the relations of Turkey with Europe. And those who carped at and criticized the present condition of Turkey ought not to forget the struggle she underwent 40 years ago when she emancipated herself from the isolated position in which she had lain for centuries. When Reschid Pasha initiated the great reforms which would hand down his name to posterity as one of the greatest benefactors to Turkey that ever lived, he found himself surrounded with every difficulty which it was possible for an administrator to contend with. Old prejudices, then, still existed. The Christian races were treated with contumely, the dominant race was proud of its former conquests in Europe, Asia, and Africa, heavy taxes were levied upon her non-Mussulman population, who could not even travel without leave; they were shut out from employment, and every odious distinction existed between the Mussulman and Christian population. The Army had fallen into decay, the Navy had been destroyed at Navarino, and every province was in a state of popular tumult and disorganization. The edict which secured the principle of toleration was then issued. In theory it left nothing to be desired, because it left the Mussulman and non-Mussulman population of Turkey equal before the law. Then came the Crimean War, and the change since made in the condition of affairs in Turkey was most remarkable. In the first place, Turkey went through a great war with credit to herself. Her Army had since been completely re-organized. She had built herself a Navy. More than a thousand miles of railway had been made, and

the improved position of the non-Mussulman portion of her population could not be denied. Elementary education had made progress, and though the financial and judicial arrangements of Turkey were not what we could wish them to be, they were a great contrast to the condition of things 50 years ago. Two things were clear—namely, that Turkey during the last 40 years had been in a state of transition, and that she had made considerable advance in tolerance and in material prosperity. The part of the speech of the Mover of the Resolution which he heard with most regret was that in which sweeping charges were made against individuals without any proof being adduced of the condemnations that were uttered. With regard to the bondholders, it had been the traditional policy of the Foreign Office to treat them as they were being treated at present. A despatch of Earl Russell's upon this subject had been quoted, and he wished to read from it another paragraph, which was as follows:—

“Her Majesty's Government will at all times be ready to give their unofficial support to bondholders in the prosecution of their claims upon foreign Governments, and such parties may always count upon moral influence being exercised on their behalf, but unofficially.”

This was the position which had always been assumed with regard to them, and it was not the intention of the Government to depart from it. We had already shown our goodwill towards Turkey by sending out a Commission which effected considerable reforms; and the Government would avail themselves of any opportunity of offering advice to the Government of Turkey. He could not say that the Khathy-Humâioun had been completely fulfilled; but he did not think that the non-Mussulman subjects of the Porte had now much to complain of as non-Mussulman subjects. In looking over some Papers which would shortly be presented to Parliament, he had been struck by the absence of any complaints of religious persecutions; and in one despatch Sir Henry Elliot said that nothing in the nature of the persecution of Christians by the authorities existed, but there was very decided sectarian persecution. The cases of cruelty that we heard of from time to time were really produced by these sectarian differences. The right hon. Gentleman the



Member for Montrose certainly took a gloomy view of their condition; but he must remind him that we were now discussing the Khathy Humâioun of 1856, and the opinion of the Government of which the right hon. Gentleman was a Member was certainly different from that which the right hon. Gentleman had now expressed; for, in 1872, in answer to a Question put by the late Member for Kilkenny (Sir John Gray) in this House, the noble Lord who then represented the Foreign Office (Viscount Enfield) said that the latest reports from Constantinople stated that, as a general rule, the law affecting Christians was fairly carried out, and they had no ground of complaint. He would now make a few remarks on the speech of his noble Friend the Member for Clare County (Lord Francis Conyngham), who had spoken of the mission of the Evangelical Alliance to Constantinople. The deputation of the Evangelical Alliance, headed by his noble Friend, made a demand which was wholly unprecedented. It had never been the practice of the Sultan to receive deputations composed of foreigners on business of that kind. When the character of that deputation was considered, hon. Members would, he thought, agree that if the same thing were done in our own country precisely the same result would follow. He would put an analogous case. In Portugal there was no capital punishment. Now, supposing a deputation from Portugal were to come here and ask their Ambassador to obtain for them an audience of the Queen, for the purpose of appealing to Her Majesty to put an end to capital punishment in this country, he would probably decline to do so; and even if he did make the request to the Foreign Secretary, that Minister would repel any attempt to intrude upon Her Majesty's privacy. Besides, it must be remembered that the Sultan of Turkey had 17,000,000 Mussulman subjects who regarded him as their spiritual head; and he could conceive no act more likely to create rebellion among his subjects than for the Sultan to receive a deputation whose avowed object was to address His Majesty on the question of the conversion of Mahomedans to Christianity, and *vice versâ*. He would not now dwell with greater particularity on the proceedings of the Evangelical Alliance, as

Papers relating to the subject would shortly be laid on the Table of the House. In conclusion, he would say that the progress of Turkey, although slow, was undoubted. It was true, indeed, that the Porte had not fulfilled its promises in many respects, but that was attributable more to the subordinates in the distant Provinces, than to any unwillingness on the part of the Porte itself. Her Majesty's present Government wished to make Turkey as strong and as powerful as possible; but he did not think the interference of our Ambassador at Constantinople in things which did not concern British interests would tend to produce that result. He rather thought it was by encouraging Turkey to depend on herself that she would attain to that condition of reform which was intended when the Treaty of Paris was promulgated in 1856. It was to be borne in mind that that was the great charter on which all reforms in Turkey were to be expected, and it was clearly understood by European Powers in general that these projected reforms, proceeding from the Sultan's own free will, did not give to the European Powers the right to interfere collectively or separately in the relations of the Sultan and his subjects or the internal administration of the Empire.

Mr. BUTLER-JOHNSTONE said, he should like to ask if the hon. Gentleman the Under Secretary of State for Foreign Affairs meant to say that the 9th Article in the Treaty of Paris did not give this country the right to see that the provisions of the Khathy Humâioun was observed? It would not be in the power of the Government of this country to enter into minute details; but if the right to interfere did not exist, how was how was it that Fuad Pasha entered minutely into the several representations made by the Embassy at Constantinople, and pointed out in answer to the remonstrances of the English Ambassador that the terms of that instrument had been carried out as fairly as circumstances would permit. That instrument was an embodiment of the reforming policy of the Emperor Mahmoud. Previous to his time two checks existed in Turkey against the autocracy of the Sultan; the one was the check of the Janissaries, and the other was the power of the Pashas, and it was through the popularity of the Emperor Mahmoud,



and his Grand Vizier Reschid Pacha, who were the Louis Treize and Richelieu of Turkey, that these checks were allowed to go. The great mistake made at that time by the people of Turkey was that, whereas previous checks were destroyed, no new ones were created. If the Emperor Mahmoud had been less popular, previous restrictions might have remained in force. For the very reason that Mahmoud was popular, the checks were allowed to go. The difficulty in Turkey was that that country laboured under an absolute autocratic system, and whereas people from one end of the Empire to the other were in a state of the greatest possible discontent, there was no means of giving effect to their wishes. They were, in fact, in such a state that an hon. Gentleman had said if they had the greatest tyrant, they had no check on his madness. If even they had a madman on the Throne they had no power whatever to check his madness. Fuad Pacha, finding no check on the autocratic power of the Sultan, used the only means available at Constantinople, by inventing one, in the way of using the influence of the Embassies, and especially that of the British Embassy, in making representations, which under the guise of diplomatic remonstrances, virtually supported the policy which he and Ali Pasha had at heart. That check existed down to the period of the Crimean War, and it certainly was a strange thing to hear from a British Minister that his duty was merely limited to this—"We will give advice, if they ask us; but we will not put ourselves about to do it. We will give in an otiose easy way, sound advice when it is asked for; but we will not put ourselves about to do it." These were strange words indeed to be addressed to the British Parliament in a matter which so nearly concerned British interests as the integrity of the Ottoman Empire. The House of Commons of England was not a Governing Body. Nobody here sought to govern Turkey. But Turkey was bound to regard Treaty obligations. Ever since the time of Fuad Pacha the Khaththy Humatoun, that great Reform Bill of Turkey had been absolutely and entirely a dead letter. What was the condition of Turkey now? There could be no question that everything about that Empire was going to wreck and ruin. Her finances were hope-

lessly disordered, and there was a normal deficit of something like £5,000,000. There was corruption at the core. It was well known that the Judges were paid so miserably that their salaries were not equal to those of a body-clerk of an English Justice of the Common Pleas. Corruption was an obligatory vice with them. They were told that Turkey was improving and advancing. How was she improving or advancing? Twenty years ago she was a prosperous and well-ordered country compared with what she was now. The whole of her debt of £150,000,000 had been incurred during the last 20 years, and she had absolutely not an old pair of gloves to show for it. She was advancing, it was true, and rapidly, but it was down-hill, and in the paths that lead to destruction. As to Navy and Army reforms, he would like to know whether her iron-clads or her soldiers could keep an enemy out of Constantinople. If England were true to her enormous interests at stake, Turkey might yet be saved. It was because such language was used at Constantinople as had just been used by the Under Secretary for Foreign Affairs in that House that Turkey was being driven to ruin and destruction by the selfish and incapable men at the head of her affairs; but it was not the language that should be used towards Turkey by a Minister who was mindful of our British and Indian interests. There could be no doubt that if misrule, and corruption, and reaction, and fanaticism had their own way, Turkey might be driven across the Bosphorus into Asia. It was only at Constantinople that they could expect to influence the Mahomedan people, and if that connection was cut off there would be no means left by which European Christianity could influence the Mahomedan world. If others were prepared to see the Turkish Empire break up, he as an Englishman could not view such a policy with complacency or satisfaction, and it was for that reason he deprecated the manner in which our duties towards Turkey appeared to be regarded by the Government. He, for one, felt that the very existence of the friendly State of Turkey depended upon the action which the British Government chose to take. They had in Turkey a great field for diplomatic action of the noblest kind, and the interests of the two countries were so reciprocal that



the exercise of the influence of this country ought not to be wanting.

LORD JOHN MANNERS said, that anyone who heard the animated and eloquent speech of the hon. Member for Canterbury must think that the British Government had become estranged from the friendly Power of Turkey; but there was no such feeling on the part of the English Government. The English Government felt the deepest interest in the welfare of Turkey; and he did not understand upon what ground the hon. Member could assert that she did not now feel that interest. [MR. BUTLER-JOHNSTONE: I alluded to a new fact.] He was at a loss to understand what the hon. Member meant by a new fact. His hon. Friend had insisted that the English Government ought to interfere in the internal affairs of Turkey; but if the English Government did that, it was probable that in the course of six months our relations with Turkey would not be so friendly as they now were. The English Government was fully alive to the importance of maintaining Turkey in her position as an independent Power.

MR. BUTLER-JOHNSTONE explained that the hon. Gentleman the Under Secretary of State for Foreign Affairs alluded to a new fact as causing the British Government not to feel that there were any British interests now in Turkey which England felt interest in.

MR. BOURKE explained that the hon. Member entirely misunderstood what he said in reference to British interests.

Question put, and agreed to.

Main Question proposed, "That Mr. Speaker do now leave the Chair."

#### MONASTIC AND CONVENTUAL INSTITUTIONS—CONTINUED RETURNS.

##### QUESTION. OBSERVATIONS.

MR. NEWDEGATE said, he put a Question that day to the hon. Gentleman the Under Secretary for Foreign Affairs relating to Monastic and Conventual Institutions, and, not being satisfied with the hon. Gentleman's answer, he would now repeat his Question. It was, "Whether Her Majesty's Government would consent to furnish in continuation the

information supplied to this House on the 27th of July, 1874, relating to the Laws and Ordinances affecting Monastic and Conventual Institutions abroad?" The Foreign Office had certainly taken their time in furnishing the information. The first information furnished was on the 1st of March, the next on the 29th of April, the next on the 4th of May, and the last on the 7th of July. [MR. SULLIVAN: I rise to call the hon. Member to Order.] The hon. Member for Louth was trying to set up a jurisdiction over this House. The question before them was one relating to Monastic and Conventual Institutions; but the information only came down to the 7th of July. There had been changes in the laws of Hungary, changes in the laws of Prussia, and changes in the laws of the Confederated States of Switzerland relating to these institutions, and it was desirable, considering the state of Europe, that this House should be furnished with further information respecting them. He therefore asked the hon. Gentleman whether he was able to furnish any further information in continuation on the subject?

MR. BOURKE said, he had taken a great deal of trouble to supply to the House information in compliance with the Address of July last. If the hon. Gentleman would give him the names of the countries from which he desired that information should be obtained on this subject, he would endeavour to supply it. He would take that opportunity of protesting against the language of the hon. Member for Canterbury (MR. Butler-Johnstone) in respect to his reply on the Motion which had been just negatived, that he must have been either asleep or in a brown study during the speech of the hon. Member for East Gloucestershire (MR. Yorke). That language was neither courteous or such as ought to be applied to him.

MR. BUTLER-JOHNSTONE said, that as the hon. Gentleman the Under Secretary for Foreign Affairs had in his speech observed that nothing had been said about British interests in the course of the debate, whereas the hon. Member for East Gloucestershire had, during a long speech, spoken upon that question, he could come to no other conclusion than that either the hon. Gentleman must have spoken in a very low tone, or else that the Under Secretary must

*Mr. Butler-Johnstone*

either have been asleep or in a brown study.

Motion, by leave, *withdrawn*.

Committee *deferred* till Monday next.

PHARMACY BILL.—[BILL 175.]

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland.*)

SECOND READING.

Order for Second Reading read.

SIR MICHAEL HICKS - BEACH, in moving that the Bill be now read a second time, said, its object was to carry into effect the unanimous recommendation of a Committee which carefully inquired into the subject last Session. The Pharmaceutical Society of London objected, however, to the 18th clause, which enacted reciprocity between the Irish and English societies with regard to the granting of legal qualifications to chemists; and he intended at the next stage of the Bill to withdraw the clause.

DR. WARD objected to the omission of the clause, because it would tend to increase the number of institutions which could confer legal qualifications.

MR. NEWDEGATE, on the part of the Pharmaceutical Society, thanked his right hon. Friend for proposing to omit the clause in question.

Motion *agreed to*.

Bill read a second time, and *committed* for Monday next.

ENTAIL AMENDMENT (SCOTLAND) BILL.

LEAVE. FIRST READING.

THE LORD ADVOCATE, in moving for leave to bring in a Bill to further amend the Law of Entail in Scotland, said, it was not his purpose to occupy the time of the House long; but as the Bill related to a subject which affected very materially the welfare not only of landowners, but of tenants, and the public generally in Scotland, it was proper to indicate shortly the Amendments which the House was asked to sanction. In 1685 the system of strict entail was introduced into Scotland. It had its benefits, but it was also attended with corresponding disadvantages. The so-called owner of an entailed estate was so in name only. He could not dispose of it either during his life, or by a deed taking effect at his death, nor could he

charge upon it any sums which he had expended in its improvement, however valuable and lasting the improvement might be, or make any provision upon it for his widow or children. After the lapse of nearly a century the Act 10 Geo. III., c. 5, generally known as "The Montgomery Act," was passed, to give heirs of entail certain powers of charging upon the estate a proportion (three-fourths) of the money expended by them on its permanent improvement, such money not exceeding four years' free rent. Besides the limited character of the improvements recognized, and of the proportion of the money expended thereon allowed to be charged under that Act, the procedure under it was very cumbrous and expensive. In 1825 "The Aberdeen Act" (Geo. IV., c. 87) was passed, enabling the heirs of entail to make certain provisions for their widows and younger children; the latter, however, being dependent on the children's surviving their father, and not being available for their issue if they pre-deceased him. Down to 1848, however, no facilities were given for terminating entails, which if made in conformity with the provisions of the Act of 1685, were really perpetual. In 1848 the then Lord Advocate (Rutherford) carried his Entail Amendment Act (11 & 12 Vict., c. 36), an admirably drawn measure, and one which had produced most valuable results. The main provisions of the Act were that—(1) entails might be set aside with the consent of a certain number—never exceeding three—of the heirs entitled to succeed, the nearest heir always being of the age of 25 before giving his consent; (2) that any heir born after the 1st August, 1848, might disentail an estate entailed before that date without any consent; (3) that any heir born after the date of any future entail might disentail without any consent; (4) power was given to the heir in possession to charge three-fourths of his improvement expenditure on the estate by way of rent-charge, or bond of annual rent, the rate of interest not exceeding £7 2s. per cent, such rate paying off capital and interest in 25 years; (5) instead of granting a bond of annual rent or rent-charge, the heir in possession might grant a bond and disposition in security over the estate for two thirds of his improvement expenditure. As time had passed on, while the value



of "The Rutherford Act" was still thoroughly recognized, it had come to be felt that further relaxations of the law were necessary under their old entails. The age of 25 in the nearest heir was found to be unnecessary. In many districts the entailed proprietors could not make any further expenditure in improving their estates from the limited extent to which they could charge such expenditure thereon. Further, as more than 25 years had elapsed since the passing of "The Rutherford Act," it was widely felt that increased facilities should be given to heirs of entail to bar the entail, due regard being had to all substantially vested interests. In considering whether further relaxations should be made on the law of entail, it was of great importance that the distinction should be kept in view between entails made before and those made after 1st August, 1848. The latter so closely resembled settlements of entail in England that it was not proposed to interfere with them, except in allowing a nearest heir to give his consent to a disentail at 21 instead of 25, the age at which in England a remainder-man might bar an entail. In regard to old entails—that was, entails made before 1848—it was proposed (1.) to make provision for dispensing with the consent of any heir except the nearest heir, due provision being made for the ascertainment of the value of the expectancy of any other of the heirs whose consent was at present necessary, and for such value being paid or secured. (2.) It was proposed to give increased facilities for spending money on the permanent improvement of the estate, and for such money being charged upon it. (3.) It was proposed to enable heirs of entail to convert existing rent-charges or bonds of annual rent over the estate into charges upon the fee of the estate. (4.) It was proposed to provide that provisions in favour of younger children should not lapse by their pre-decease, but should be available to their issue. (5.) It was proposed to improve and simplify, and as a consequence to cheapen, the procedure in applications to the Court for disentailing estates or charging them with improvement expenditure. These proposals might not satisfy those who desired a total abolition of the system of entail, but they would give great and substantial relief to many entailed pro-

*The Lord Advocate*

prietors, and encourage them to make renewed efforts to improve the estates in their possession, which could not but be more beneficial to the tenants occupying them and to the country at large. The Bill had been introduced at the urgent request of many hon. Members on both sides of the House, and it could only be passed during the present Session if it met, as there was reason to believe it would, with general acceptance.

*Motion agreed to.*

#### POLICE CONSTABLES (SCOTLAND) BILL.

LEAVE. FIRST READING.

THE LORD ADVOCATE, in moving for leave to bring in a Bill to amend the Law in regard to Constables and Police Officers in Scotland, explained that it was in reference to certain proceedings under an old Act by which gamekeepers were sworn in as constables, and were put under the control of the county police.

*Motion agreed to.*

#### NATIONAL DEBT (SINKING FUND) BILL.

(Mr. Raikes, Mr. Chancellor of the Exchequer  
Mr. William Henry Smith.)

[BILL 142.] THIRD READING.

ADJOURNED DEBATE.

Order read, for resuming Adjourned Debate on Question [18th June], "That the Bill be read the third time upon Monday next."

Question again proposed.

Debate resumed.

Motion, by leave, *withdrawn*.

Third Reading *deferred till Thursday next*.

#### ENTAIL AMENDMENT (SCOTLAND) BILL.

On Motion of The LORD ADVOCATE, Bill to further amend the Law of Entail in Scotland, ordered to be brought in by The LORD ADVOCATE, Mr. Secretary CROSS, and Mr. CAMERON.

Bill presented, and read the first time. [Bill 212.]

#### POLICE CONSTABLES (SCOTLAND) BILL.

On Motion of The LORD ADVOCATE, Bill to amend the Law in regard to Constables and Peace Officers in Scotland, ordered to be brought in by The LORD ADVOCATE, Mr. Secretary CROSS, and Sir HENRY SELWYN-IBRETON.

Bill presented, and read the first time. [Bill 213.]

House adjourned at half after One o'clock, till Monday next.



just after 5 o'clock, which was before the time of Public Business, and yet letters had been read and language had been used in which there was strong condemnation of Messrs. Moody and Sankey. He did not wish to pass an opinion one way or the other upon the matter to which it related; but he did think that in a matter of such high importance, and one in which the feelings of the country were excited, the House ought to have had full Notice before being called upon to consider it.

LORD LYTTELTON said, that the fault which the noble Earl had found with him and the noble Marquess who had asked the Question was chargeable, not on them, but on the gentlemen who had commenced proceedings at Eton without notice. The suddenness of their proceedings had made it impossible that any Notice of this discussion could have been given to the noble Earl and his friends Messrs. Moody and Sankey.

THE EARL OF SHAFTESBURY said, he thought it was a Standing Order of their Lordships' House that no Question which was likely to lead to a discussion should be asked without Notice.

THE DUKE OF RICHMOND said, that as he understood the Rule of the House to which the noble Earl had just referred, it was that no Question likely to lead to a discussion should be asked without regular Notice in cases in which it was possible to give such Notice; but there were cases in which it was not. As, however, he thought this question had been sufficiently discussed, he ventured to suggest that they ought to proceed to the Orders of the Day.

#### POOR LAW—PAUPERS (ORDERS OF REMOVAL).—MOTION FOR RETURNS.

LORD HENNIKER said: I do not intend to trouble your Lordships with an elaborate speech, but I seek rather to make as short and clear a statement of facts as is possible. The subject of the Law of Settlement and Removal of the Poor is a difficult and complicated one to deal with briefly, and I must ask your Lordships' indulgence for a short time. I must remind the House that I brought in a Bill last year to do away with removal: it was the general opinion of the House that it should not then be read a second time, and I, accordingly, withdrew it. I, as it were,

undertook to ascertain the feeling of the country on the subject during the Recess: this I have endeavoured to do by sending a private circular to various Boards of Guardians, selected roughly, so as to test the opinion of the country generally, and I will give your Lordships the result of this inquiry presently. I have, however, come to the conclusion that more information is required, so I am content with the course I propose to pursue at present. To make my argument fairly complete, I must touch, in a few words only, on one or two points in the history of the Law of Settlement and Removal. It is not necessary for me to enter into details, for your Lordships are fully aware of the provisions of the law as they at present exist. The Law of Settlement, or domicile, was established first in the Danish and Anglo-Saxon times, as a mutually protective measure chiefly; and to promote social order and good government, each man was bound to belong to a community, or to enter himself in some burh, but he could always change his place of residence with the greatest ease. This is a point I wish to call your Lordships' attention to particularly—that every man was free to move from one place to another. Passing swiftly over the law of Edward III. against free labour, and those of Richard II., Henry VII., and Elizabeth, chiefly directed against rogues and vagabonds, that is to say, vagrancy; we come to the law of Charles II. which was the origin of the Law of Removal—the greatest infringement, perhaps, of the rights of Englishmen since the Conquest. This law unsettled the poor, and made almost everyone liable to removal. The law continued in this state till 1795, in George III.'s reign, when no one was removable unless actually chargeable to the rates. I now come to the present law, under which a period of irremovability has been established; first of five years, then of three years, and now of one year, the sole remnant of the harsh and cruel law of Charles II. To illustrate the working of the present law, I will take a few cases. First, one or two hypothetical cases. Suppose a pauper to become chargeable to the rates somewhere in the North of England, his settlement is derived from his grandfather, the grandfather's settlement is in Cornwall. Soon after gaining

ships' House during the Administration of the late Government (the Earl of Morley). His noble Friend would speak for himself, as a member of the Governing Body of Eton, if he thought right to do so. There had been handed to him two or three letters, which were in continuation of the correspondence already published, and as these also would appear in the newspapers of to-morrow morning he did not think there could be any harm in reading them to their Lordships. As the matter had been made public, the more publicity that could be given to it now the better. The writer of some of these letters was Mr. Knatchbull-Hugessen; and he must beg to remark that, as far as the Governing Body were concerned, the responsibility of which that right hon. Gentleman and others had spoken did not exist as he believed. They had a responsibility within their proper functions; but such a permission as that referred to by the noble Marquess was within the sphere of his authority, and not theirs. Subject to the ultimate authority of the Governing Body, which was of a character to which he need not further allude—it had been brought into prominence by what occurred at another Public School (Rugby) a year or two ago—the Head Master was not bound by the opinion of the Governing Body in respect of any question respecting the daily regulation of the school. Of course the Governing Body could give an opinion on such a question, or on any other, but they had no means of enforcing compliance with it on the part of the Head Master. With those explanatory observations he would read the letters which he had mentioned to their Lordships, [which his Lordship accordingly did].

THE EARL OF MORLEY, having been appealed to by his noble Friend (Lord Lyttelton) as one of the Governing Body, wished to corroborate the statement of his noble Friend in relation to the religious services in question—the matter had come upon the Governing Body quite suddenly. It was impossible, even if it were desirable, within the short interval at their disposal, to call together the Governing Body of the College with the view of considering the subject, and it would be unbecoming in him to offer an opinion as to the desirability or undesirability of the proposed meeting

until he had the opportunity of consultation with his Colleagues. Moreover, he had no notion that a Question relating to the subject would be asked by the noble Marquess that evening. There was some doubt, however, whether the Governing Body had any power in the matter at all, inasmuch as all matters relating to the discipline of the school, the daily arrangement of the work, and the liberty given to the boys, rested with the Head Master. But whether the Governing Body had or had not authority in a case like the present was a question open to doubt, and one, therefore, which he should not like to pronounce an opinion on until he had had the opportunity of conversing with his Colleagues.

LORD OVERSTONE was understood to say that he regarded the question before their Lordships as one of very great importance. It had reference to the regulations of a great Public School, in which were educated youths who would hereafter fill high positions in this country, and some of whom would be Members of their Lordships' House. As he understood the proposal to which the question of the noble Marquess had reference, it was to hold what were called—whether truly or not he did not know—religious services in a tent to be erected within the very grounds of the College. Those services were to be of a sensational character, to be specially addressed to the boys of the school, but not under the control of the authorities of the school, the Provost, or the Head Master. In his opinion, the case was one eminently calling for promptitude and decision. The religious teaching of their greatest public school ought not to pass into other hands than those of the constituted authorities, and he hoped that if the Head Master did not refuse his sanction to the proposal, the Governing Body would not hesitate to express their judgment.

THE EARL OF MORLEY wished to point out to the noble Lord who had just spoken that it was not proposed to erect the tent within the College grounds, but in the South Meadows, just outside those grounds.

THE EARL OF SHAFTESBURY thought that there ought to have been Notice of a Question on a subject which was certain to give rise to discussion. This discussion had been commenced

just after 5 o'clock, which was before the time of Public Business, and yet letters had been read and language had been used in which there was strong condemnation of Messrs. Moody and Sankey. He did not wish to pass an opinion one way or the other upon the matter to which it related; but he did think that in a matter of such high importance, and one in which the feelings of the country were excited, the House ought to have had full Notice before being called upon to consider it.

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undertook to ascertain the feeling of the country on the subject during the Recess: this I have endeavoured to do by sending a private circular to various Boards of Guardians, selected roughly, so as to test the opinion of the country generally, and I will give your Lordships the result of this inquiry presently. I have, however, come to the conclusion that more information is required, so I am content with the course I propose to pursue at present. To make my argument fairly complete, I must touch, in a few words only, on one or two points in the history of the Law of Settlement and Removal. It is not necessary for me to enter into details, for your Lordships are fully aware of the provisions of the law as they at present exist. The Law of Settlement, or domicile, was established first in the Danish and Anglo-Saxon times, as a mutually protective measure chiefly; and to promote social order and good government, each man was bound to belong to a community, or to enter himself in some burh, but he could always change his place of residence with the greatest ease. This is a point I wish to call your Lordships' attention to particularly—that every man was free to move from one place to another. Passing swiftly over the law of Edward III. against free labour, and those of Richard II., Henry VII., and Elizabeth, chiefly directed against rogues and vagabonds, that is to say, vagrancy; we come to the law of Charles II. which was the origin of the Law of Removal—the greatest infringement, perhaps, of the rights of Englishmen since the Conquest. This law unsettled the poor, and made almost everyone liable to removal. The law continued in this state till 1795, in George III.'s reign, when no one was removable unless actually chargeable to the rates. I now come to the present law, under which a period of irremovability has been established; first of five years, then of three years, and now of one year, the sole remnant of the harsh and cruel law of Charles II. To illustrate the working of the present law, I will take a few cases. First, one or two hypothetical cases. Suppose a pauper to become chargeable to the rates somewhere in the North of England, his settlement is derived from his grandfather, the grandfather's settlement is in Cornwall. Soon after gaining

a settlement there the grandfather goes to a Lancashire Union, there the father is born; the father goes to a Union in Yorkshire when he is old enough to take care of himself, and the pauper is born there. The pauper, when he, in turn, is old enough, goes to Cumberland, and when he becomes chargeable, if he has no acquired settlement of his own, he is removable to Cornwall. He has never been there himself, nor has his father ever been in Cornwall, but he may become permanently chargeable, from the fact that no one knows him, and that the work he has been accustomed to is entirely different; so he has no refuge but the rates. Perhaps some noble Lords may say this is an extreme case, but it is one which may, and, I believe, does happen under the existing law. It is one of no little hardship, and it is one I confidently affirm, is more than possible, and may occur at any time under the law as it stands. The hardest cases of all, however, are those which affect illegitimate children, removable when they arrive at the age of 16 to the place of their birth. A child might never have been, except in its earliest infancy, in the place of its birth—say, Leeds; but from some unforeseen cause or another—permanent disability, perhaps—it is removed from its mother, its proper guardian, and left to the care of strangers. What can be more impolitic? What can tend more to pauperize the child? It is removed from its friends, and what refuge can it have but the workhouse, or a constant chargeability to the rates? This is a very hard case, and one of frequent occurrence. These two cases are enough to show the complication of the law and its hardship, but they may be supplemented by numberless real cases. Not to weary your Lordships with endless details, I will proceed to give one or two real cases which have occurred within a short period. A woman of excellent character was deserted by her husband, she was removed from the West Derby Union to Preston: 3s. a-week would have enabled her to remain with her aged mother; neither she or her husband had ever been to Preston. The result was, that the ratepayers of Preston, taking it in the ratepayers' point of view, had to maintain her and her children at a cost of £2 a-week, whereas a cost of 3s. a-week

*Lord Henniker*

to the removing Union would have avoided all hardship and some unnecessary expense. Again, to take a case of very great importance, and one of great hardship. It is of particular importance from the fact that it led to a distinct opinion being given by three Judges on the present state of the law. It is one of a break of residence. The question raised was the validity of an order for the removal of a pauper from the parish of Birmingham to the Worcester Union. It appeared that the pauper, named Hardman, a tailor, had lived and supported himself for 45 years in the parish of Birmingham, prior to the 30th of May, 1872, when he was received into the Birmingham Workhouse. In November, a tailor, named Rose, who lived in West Smethwick, out of Birmingham, hired the pauper. The pauper went and resided in West Smethwick, and worked for Rose for 3s. a-week, with board and lodging. He resided there for 10 weeks, and then returned to Birmingham, when he again became chargeable to the rates. Rose told the pauper, when he hired him, that he could stay as long as he liked if they agreed. The question was, whether the residence of the pauper for 10 weeks at Smethwick operated as a break of residence, preventing a continuous residence for the period of one year, so as to confer the status of irremovability. In giving judgment, the Lord Chief Justice said—

"I wish very much we could hold that the pauper was irremovable, for I think it is a most cruel thing, if not an abuse of the power of the parochial officer, to send a man away, who has resided 45 years in the same place, to a place where he had a legal settlement, but not a friend or acquaintance in the world to whom he could turn for a word of comfort. It is a very hard thing, and if I could only find that this man was irremovable from Birmingham, I should certainly keep him there."

Mr. Justice Blackburn said—

"I am also extremely sorry to be obliged to come to the conclusion that the pauper is not irremovable. Here, a man having been resident in Birmingham for 45 years, came into the workhouse there, and because he, like an honest man, went out of the workhouse to endeavour to get work, and happened to step across the boundary of the parish, he is sent away from the place from which he has not been absent for 45 years. The cruelty is obvious, and the hardship very great."

Mr. Justice Lush said—

"I share in the regret expressed by my Lord and my brother Blackburn, in having to decide



that this man must be removed; but cases of hardship do arise, and will arise however the Act of Parliament may be framed. There are extreme cases not contemplated by the framers of the Act."

Such, then, my Lords, is the law, and such the opinion of the Judges upon it. But to turn to the opinion of the outside public on this question. An important conference which was held in London under the presidency of the noble Earl opposite (Earl Fortescue) at the end of last year, pronounced in favour of the abolition of these laws, and so did a conference held at Malvern in May last. These meetings were attended by a large number of those who are most experienced in the administration of the Poor Laws, and their opinion is most valuable. By the kindness of friends, and from reliable information from various quarters, I have been able to ascertain the general feeling of the country. In one Poor Law district, no clerk to a Union—and the clerks to Unions are as capable as any other class of forming a sound opinion, if not more so—is in favour of the retention of these laws, and six only out of 39 Unions are in favour of retaining the law as it stands. This seems to be an example of the general opinion—even Sheffield and Salford are of the same opinion, and I believe the large towns, as a whole, will eventually agree with me that these laws should be abolished. I could quote many other instances from other districts which support the same view of the subject. But let me turn to the direct information I have received. I have consulted various Boards of Guardians, as I have already informed your Lordships, by a circular, and the result is as follows:—Out of 51 replies I have received, 38 are in favour of the abolition of the Law of Removal, and so of the Law of Settlement of the Poor; six are against it, and seven are doubtful. I will not trouble your Lordships with details, but, as a sample of the replies I have received, I will quote one or two. A letter from Birmingham says—"We find 110 persons were transferred from our relief lists to their own settlements, as against 26 only charged to us." This letter goes on to advocate non-resident relief. This pauperizing document is at any of your Lordships' disposal. Then, again, Liverpool is alarmed. Why, no one can tell, for I

left Ireland out of my Bill last year to a great extent, if not entirely, to avoid any possible hardship which might arise in seaport towns. Then, as a sample of opposing unions, I may quote a letter from Reigate. Amongst other things it says—"During the last year 67 persons have been removed to their various places of settlement (effecting thereby a saving of nearly £1,000 per annum) from the parish of Reigate alone." Such are the reasons given against an abrogation of these laws, and I venture to say they are hardly worthy of the great communities who give them. Then there are the doubtful class; those who advocate a national rate; those who say there is not sufficient workhouse accommodation, as Rochdale, and so on. But let me pass to the class who are favourable to my proposition. I will not take any country Unions. The replies from that quarter are able and complete, but I will take my instances from the towns, where the greatest opposition generally lies, and not from the country, where I have every reason to be grateful for support. The reply I have received to my circular from Manchester states—

"That this Board having been requested to express its views upon the present bearing of the Law of Settlement and Removal, and as to how far it might be expedient, or otherwise, to abolish entirely or further restrict the liability of paupers to removal, hereby records its opinion, that, though this township must incur a considerable additional expenditure by the change, this Board, feeling bound to regard the general interests of the country at large, considers that the time has arrived for the entire repeal of the law; as being inconsistent with the spirit of the age, and in many cases inflicting much needless hardship on individuals, while conferring no counter-balancing benefit on the community."

The Overseers of the Poor at Manchester agree in this opinion. Then the St. Pancras Board of Guardians tell me in their reply that they instruct the clerk of the Board to write to the Local Government Board—"To direct their attention to the hardship inflicted on the poor by the operation of the existing Law of Settlement, with a view to the same being abolished." So I might go on with Preston and other large towns and unions. Many Unions offered to memorialize Government—the Wortley Union, for instance—or to do anything in their power to support the view I take of this question. I have endeavoured to put a few test cases shortly

before your Lordships; of hardships to the poor, of the effect of the law upon Unions, and to show the general feeling of the country. Now, my Lords, to take one or two of the objections to my proposal. They are chiefly, if not entirely, from the large towns, and they are based, I am sorry to say, upon more or less selfish motives, and not upon the broad policy of the general good of the country. The large towns often benefit by the labour of men reared in the country districts. Why are they not to support them in their old age, even if there are exceptional cases where it would be a hardship to do so? I have endeavoured to ascertain the proportion of the population which probably migrate to towns from the rural districts. Of course, like most returns, the test may be said to be slight; particularly as there is no actual test of the proportion of the rural population which go to the large towns. I have taken the population of 1861 and that of 1871 as a basis. I have taken the real increase of population, and I have compared the real increase with what the natural increase of population should have been taking the increase of births over deaths. I have taken two counties and two towns—two agricultural counties, as purely agricultural as can well be found, and two large towns, as good instances as can be found of manufacturing, or rather purely town communities. In Lincolnshire the population in 1861 was 404,138; in 1871, 428,075. The natural increase should have been 56,060, but the actual increase was only 23,937—a deficiency of 32,123. In Suffolk the population in 1861 was 335,409; in 1871, 347,210. The natural increase should have been 41,250, but the actual increase was only 11,801, leaving a deficiency of 29,449. In London, the population in 1861 was 2,803,989, and in 1871, 3,254,260. The natural increase should have been 321,870, but the actual increase was 450,271, leaving a surplus of 128,401. In Leeds, the population in 1861 was 184,006; in 1871, 162,421. The natural increase should have been 18,580, but the actual increase was 28,415, or a surplus of 9,835. What does this mean? That a considerable portion of the population reared in the country districts, and chargeable there up to a certain time of life, when they become really useful for the first time, go somewhere else,

*Lord Henniker*

and I think it may be fairly urged that some of these, at all events, go to the large towns. If so, what is the hardship to the towns who take them when they are of use, to bear the burden of supporting them when they become old and worn out in their service—in increasing their wealth and prosperity? I should be inclined to say the hardships would be on the other side. Again, an objection to my proposal is, the prospect of an inundation of paupers in large towns in times of distress. The argument I have just used applies here again; but, to use another, what can end more to revive individual interest amongst Poor Law Guardians, or to establish a just and uniform system in the administration of the Poor Laws, than the total abolition of the Law of Settlement and Removal? Guardians have no right to make the workhouse a place of pleasure, as it is now in many places, and one of the great difficulties preventing a proper administration of the Poor Law is the difference there is in the mode of carrying it out. Mr. George Coode, in his able Report, says—

“That such an administration of the Poor Law in the towns, as would make relief there as little eligible as it is considered in the parish of the poor man's settlement, would produce the same effect as the prospect of removal, with a benefit to the town.”

This disposes, too, of the argument that these laws cannot be dispensed with, as they are a sure test of real destitution. There are plenty of tests and safeguards if the law is only properly administered. When you examine the matter closely there is but little sound argument which can be used in the point of view taken by the towns. When the Union Chargeability Act was passed, it conferred a great benefit upon towns at the expense of rural districts, by shifting the burdens in many cases. In the discussions on this measure the towns—very properly I think—would not for a moment listen to the plea of individual interest on the part of rural districts, as it was against the policy of the Poor Laws. How can they turn round now and use a contrary argument? It is said that the abolition of this Law of Settlement and Removal will lead to an increase of vagrancy. The law was all very well in times gone by as a protection against vagrancy, but it must be remembered that the vagrant class move about freely from place to

place now. It really is a matter of police. Wherever the police have been allowed to deal with this class, they have dealt with them successfully. Admiral M'Hardy, the excellent Chief Constable for Essex, reduced the number of vagrants in 10 Unions in Essex from 24,882 to 2,977—a decrease of 21,903 in a single half-year—in 1849. It may be said by this means you only send these vagrants from one county to another; but if there were a more uniform system in the management of the police this would never occur. If the police could deal with vagrancy in 1849, surely they can do so now. One of the difficulties which presented itself on bringing in the Bill last year was the fact that the dispensing of various charities throughout the country depended on the settlement of the recipients. Settlement, however, was not included in the Bill of last year, but when I look carefully into this part of the question, it really is not one of much importance, for, as a matter of fact, under the present efficient management and schemes of the Charity Commission, the settlement of poor persons is seldom, if ever, inquired into. I am a trustee of various charities, and I never heard of such an inquiry being made. I have now, my Lords, disposed of some, if not most, of the objections to my proposal. Let me proceed to state shortly the advantages which I believe would arise from its adoption. It would re-establish, as in the olden times, the free migration of labour first restricted in the time of Charles II.; it would improve the administration of the Poor Law generally, as I have already pointed out, and restore individual interest, and it would do away with the iniquitous practice of non-resident relief, which can hardly be done away with in any other way. What say the Poor Law Commission, in their ninth Report as to non-resident relief? and I need say no more, I think, to condemn this practice completely—

“It is needless to condemn a system which, by common consent of all experienced persons, is vicious in principle, in practice, and at best can be considered as barely tolerated by law.”

It would avoid many hardships to the poor: it would do good to the Unions generally, for the benefit received by them would more than counter-balance any injustice which may arise in exceptional cases: it would once more reduce

legal expenses, as is shown by the fact that from the time of the establishment of a status of irremovability in 1845 to 1871 the pauperism had increased from 5,039,703 in 1845, to 7,886,724 in 1871, while the law costs had diminished from £95,397 to £18,079; it would do away with this wretched remnant of an unnecessary law, which has been mitigated from time to time. In 1795, 8,000,000 of the people of England were set free by the alteration of this law, in a time of disorder and distress, without difficulty or danger. Why should it be dangerous now, in a time of prosperity and good order, to get rid of this remnant of a law which was never intended for the purpose it is at present put to? If any alteration of the law were likely to be of service, or to settle the question, I, for one, should say by all means amend it; but such a course would do little or no real good. As an instance, your Lordships will see non-resident relief could not be done away with. The operation of the law is so limited now, except in creating hardships and difficulties, that I say at once, do away with the Law of Settlement and Removal of the Poor. The Select Committee of the House of Commons, which sat in 1847, recommended such a course. It must do good, it cannot do harm: it will eradicate a great deal of useless law from the Statute Book, and it will be a boon to the poorer classes, which, I think, can hardly be estimated. Now, my Lords, I have not referred to the question of pauper lunatics. It is one of very little comparative difficulty, particularly now when the Government give largely towards their maintenance; and it is really a question of misfortune, rather than one of pauperism—so thought the Committee of 1847. Of Scotland and Ireland, too, I have said nothing. Their cases are different from that of England and Wales in many respects. No doubt, hardships do exist in Ireland, but I have not yet made up my mind that this law can be safely, or properly abolished in these countries. At all events, this part of the question requires further consideration. Scotland and Ireland are included in the Returns I move for, merely because it is a continuation of a Return made in 1868. The fact that no Return has been made since 1868 shows that further information is required. The most important



part, perhaps, of the Return is that relating to removals by consent. Years ago there was often a good deal of trouble, particularly at the Local Government Board, as to removals, but this has diminished. Perhaps this is partly from the fact that a good many removals are made by consent. My Lords, I have spoken strongly on this subject, but I do not think more strongly than the subject deserves. I hope when fresh information is obtained that the Government will take up the question. It is rather too large a one for a private Member of your Lordships' House to deal with satisfactorily. Under these circumstances, I think those who agree with me, both inside and outside this House, will see I am wiser to put off immediate action, whatever my own opinion may be, and I hope, by doing so, I may really press forward the object I have in view more effectually. I have attempted to place this question before your Lordships, but it is difficult to do so in a single speech. I have endeavoured to divest my remarks from all semblance of sentiment. I have only one object in view—to be of use in the matter; to abolish a useless law; to free the poor man as much as possible, and to extend a sound public policy with respect to the Poor Laws. I only hope others more able to deal satisfactorily with the subject will take it up and deal promptly with it. I beg to move for the following Returns:—

"Return showing the number of orders of removal from unions and parishes signed by justices and executed in England and Wales, during the years 1869 to 1875, inclusive, ending the 25th day of March 1875; stating the number of persons removed, the nature of alleged settlement, and the amount of expenses incurred in the removal, including the cost of obtaining the orders, serving the same, and travelling expenses of the paupers removed, but not the cost of relief before removal; distinguishing the orders so executed from or to parishes not in union and between different unions; stating also the number of orders of removal of Scotch and Irish paupers and paupers belonging to the Channel Islands and the Isle of Man during the same period (in continuation of Parliamentary Paper No. 477, of Session 1868):

"Like Return in respect of paupers removed from one union to another by consent and without order."—(*Lord Hartismere*.)

THE DUKE OF RICHMOND said, he was not going to raise an objection altogether to the Returns moved for by his noble Friend; but he would propose

that those Returns should be for one year instead of for five years. Returns for the latter period would involve a serious amount of preparation. These Papers related to one year, and therefore for the purposes of comparison it would be better if the Returns now to be ordered were also to be made for one year. His noble Friend (*Lord Henniker*) had said that he did not intend to go into the whole question of Poor Law Removal; but—though he did not find fault with him for it—he thought he had travelled over a very large history and over the whole ground of Settlement and Removal. There were few subjects of greater importance; and it was connected with the subject which was so fully discussed the other evening on the Motion of his noble Friend (*Lord Lytton*)—namely, the subject of out-door relief. As he understood his noble Friend, he proposed to get rid of the law of Settlement altogether, and to establish a state of things in this country which did not exist in any other. Certainly, in France and in Belgium every one was supposed to have a domicile in some locality; and he was not disposed to think that it would be advisable to do away with the Law of Settlement in this country. His noble Friend admitted that the restrictions had been made much less stringent. First, there was the condition of "residence;" afterwards, there was "three years' residence;" but the period had subsequently been reduced to one year, at which it at present stood; and there was also the chargeability to the whole Union. He would not go into figures, but he would make a remark or two on some of the illustrations of hardship cited by his noble Friend—because he did not think that a sound argument as to what should be the general law could be based on cases which seldom occurred. The case of the labourer whose grandfather was born in Northumberland, whose father was born in Cornwall, and who himself was born in Lancashire, was not likely to occur very often; but if that labourer had resided for one year in one place he would have acquired a settlement there. The tailor's was no doubt a hard case, but hard cases would occur from time to time, under any possible system. He did not think any great hardship had been shown in the case of the daughter of the widow who lived at West Derby.

*Lord Henniker*



If the woman had not removed to Preston, she would have had a settlement in West Derby. His noble Friend said that the general feeling of the country was in favour of the abolition of the Law of Settlement. With all respect to his noble Friend, he did not think that was the case. His noble Friend said that the majority of the Chairmen of 49 Unions thought that the Law of Settlement ought to be abolished; but he seemed to forget that the number of Unions in this country was 650, and therefore to claim for his majority that they expressed the opinion of England on the subject was straining the argument too far. His noble Friend admitted that it would not be safe to include Ireland or Scotland in the provisions of the Bill; and with that view he (the Duke of Richmond) concurred; but when his noble Friend made that admission there was an end of his case. He then spoke of Liverpool; but when it was borne in mind how great was the number of Irishmen who came over to this country and would find themselves charged on the rates of Liverpool it was, he thought, reasonable that the rate-payers of that town should not be called upon to support Irish or Scotch or the people of any other country who happened to arrive there in large numbers. The same objection and the same answer would apply to other parts of the country—for instance, to the hop-picking districts, to which large numbers of persons rushed during the hop-picking season. As to the vagrant case, he agreed with his noble Friend in the opinion that it was one of great difficulty, even though as he said, it might fairly be made a question of police. His noble Friend appeared to suppose it to be possible that if his view were acted upon it would lead to a more uniform system of police; but he (the Duke of Richmond) did not know what a uniform system of police meant, unless it was one for the establishment of a police throughout the whole country under one central authority, and he did not imagine the public were prepared for such centralization as that would imply. He ventured to differ, he might add, from the noble Lord as to the power of doing away altogether with the Law of Settlement, for the time, he felt certain, had had not yet arrived for dealing with that question. He did not object to a Return

showing these Orders of Removal from the 25th day of March, 1874 to the 25th day of March, 1875.

LORD LYTTLETON thought that the Law of Settlement and Removal was entirely indefensible, and ought to be abolished. In these days, when the facilities of locomotion were so great, it was desirable to give the labourer the power of working where he thought best, with as little restriction as possible, and if, unfortunately, he should become destitute, he must be relieved on the spot. No doubt this presupposed, if it was to work satisfactorily, two principles: the one, a stringent administration of the general law; the other, a wide extension of the area of incidence of local taxation. But both these he considered good in themselves, and therefore it strengthened the argument. He feared that his noble Friend (Lord Henniker) would get nothing more from his Motion at present than a discussion of the subject; but these repeated discussions would, no doubt, gradually lead the minds of the people in the right direction, and ultimately he hoped there would be an abolition of those laws.

*Motion amended accordingly, and agreed to.*

#### SCOTCH AND IRISH PEERAGES.

##### REPORT OF THE SELECT COMMITTEE.

EARL STANHOPE, in rising to put a Question to his noble Relative who was the Chairman of the Select Committee on the Representative Peerage of Scotland and Ireland which sat last year, and who had conducted the inquiry with so much ability, said, that that Committee had concluded their Report with several recommendations. They represented that since the Union the number of Members of the Lower House representing Scotch constituencies had been increased from 45 to 60, while the number of Scotch Representative Peers remained at 16; and they recommended that an addition of five should be made. As regarded Ireland, in consequence of the disestablishment of the Irish Church, four seats of the holders of spiritual Sees in Ireland in that House had been rendered vacant, and they recommended that their places should be supplied by increasing, to the same extent, that was by four seats, the number of Repre-

sentative Peers. The noble Earl the Chairman of the Committee brought forward a proposition for securing a representation of the minority at the election of the Representative Peers, but his proposition was defeated. He (Earl Stanhope) was a friend in principle to the representation of minorities, and had voted and spoken in 1868 for the clause in the Reform Bill establishing what were called the three cornered constituencies in counties and in cities. But it must be owned that up to this time the practical results had not been satisfactory, and the system was still upon its trial in the House of Commons. Under these circumstances, he (Earl Stanhope) could not give his vote in the Committee for the permanent establishment of that system in the House of Lords. The Committee was unanimous in their opinion that the position of Irish and Scotch Peers, as having high titular rank unaccompanied by legislative duties, was anomalous, and that it was desirable the anomaly should, if means could be found of removing it, be done away with. They did not for a moment entertain the idea of the wholesale introduction of the Irish and Scotch Peers into the House. What they recommended was, that no further creation of Irish Peers should take place:—in Scotland no new creation could take place since the Union. In Ireland, however, it was deemed expedient that no fresh creation of Irish Peers should be made in the Irish Peerage, and accordingly the following Resolution was passed:—

"They (the Committee) are convinced that every addition to the Irish Peerage only increases and perpetuates the anomalous condition of that body. They would therefore trust that Her Majesty may be advised to renounce her Prerogative of creating Irish Peers, with a view to the modification of the 4th Article of the Union."

It was also suggested that it was desirable the Irish should, like the Scottish Representative Peers, be elected for life; while, on the other hand, a different party contended, like the Scottish, that it was better the Irish Peers should be elected for a Parliament only. The subject was so wide and went into so many branches that it might be difficult to deal with it by a single measure, but the first step was to ascertain what might be the views of his noble Relative on the matter. He therefore begged to

ask the Chairman of the Select Committee on the Representative Peerage of Scotland and Ireland which sat last year, Whether he intends to bring forward any Motion to give effect to all or any of the recommendations of that Committee?

THE EARL OF ROSEBERY said, he was exceedingly obliged to his noble Relative for putting to him this Question, as it gave him an opportunity of stating what was in his opinion the right method of dealing with the recommendations of the Committee. When the labours of the Committee in taking evidence were concluded, it was his duty to draft the Report and lay it before them. Some of the recommendations of the Committee related to matters of great importance, and might be the subject of enactment of the Legislature. Others were of minor importance, and not worth taking up, unless the subject were taken up as a whole. The major recommendations were three in number—first, that no more Irish Peers should be created; secondly, that there should be an increase in the number of Irish and Scotch Representative Peers; and thirdly, that there should be some mode of enabling the minority to select Representatives out of the whole body of Peers. The minor recommendations were—first, that there should be a new roll of Scotch Peers; secondly, that Scotch Peers should be allowed to sit in the House of Commons; thirdly, that Scotch Representative Peers should be elected for life; and fourthly, that Irish and Scotch Peers should be enabled to sit for any constituency in the United Kingdom. With regard to the recommendation that Scotch Peers should be enabled to sit in the House of Commons, two noble Lords who had taken the trouble to ascertain the opinion of the Scotch Peers on the subject found that the great majority of those Peers did not at all view the proposal with favour; and as it was not the object of the Committee to confer privileges on the Scotch Peers which they would look upon as an insult—or at any rate which they did not regard with favour—the Committee were ready to drop that recommendation. As to the three main recommendations, which might be made the subject of enactments, he would take, first, the increase of the number of Scotch and Irish Representative Peers. That recommendation was passed unanimously; but, as

the accompanying recommendation in favour of the representation of the minority was rejected by a majority of three, it was impossible for any one thinking as he did on that matter to bring forward a proposal that the number of Representative Peers should be increased while the election was conducted under the present vicious system. He did not wish unduly to stigmatize the existing arrangements for electing Representative Peers; but he held that it would not be a benefit, but an evil to increase their number without some such safeguard as the cumulative vote. As to the recommendation that the Crown should not create any more Irish Peers there were several difficulties connected with it. The first was, that it was not very clear in what manner it should be carried out. But there was another objection of greater weight to his attempting to give effect to that object of the Committee. Last year a noble Lord opposite (Lord Inchiquin) brought it forward in that House in a speech which they all agreed was remarkable for its ability; but his Motion was negatived by the noble Duke the Leader on the Ministerial side, because such an extensive constitutional change ought not to be proposed except upon the responsibility of the Government of the day. He himself, therefore, had not thought it right to offer any recommendations to their Lordships as to the limitation of the Prerogative of the Crown with respect to the creation of Irish Peers. With regard to the entire Report of the Committee, it must be remembered that it comprised several clauses, and that on them there were eight closely contested divisions. It was, therefore, hardly possible for him, as Chairman, to bring forward, on his own responsibility, the recommendations of that Report as in any degree embodying the unanimous opinions of the Committee. He thanked his noble Relative for giving him the opportunity of making that statement.

LORD CARLINGFORD, as a Member of the Committee, said, that one part of the subject appeared to him to be of very great interest and importance. He referred to the proposal that the Crown should be humbly applied to with a view to the relinquishment of the Prerogative of creating Irish Peers. As an Irishman, perhaps he looked on the present state of that part of the law and

of the Prerogative with more sensitive feelings than many of their Lordships; but he regarded it as a very serious anomaly, tending to keep up ideas of distinction and separation between the two countries which he was sure they were all anxious by every means to diminish and finally extinguish, and as maintaining a condition of inequality between those two great portions of the Realm that was highly inexpedient and mischievous. As things now stood, it was not even optional with the Crown to create or not to create Irish Peerages; the Crown was under a compulsion to keep up the Irish Peerages to a certain number—a most strange and undesirable state of matters. Sir Bernard Burke had proved before the Committee that the strongest objection was felt at the time of the Union by the Irish Peers who supported the Act of Union to the clause which was inserted for reserving to the Crown the power of creating Irish Peerages in future. The clause was carried solely by the influence of the Government of the day—not to meet any Irish views or wishes, but merely to maintain that branch of Ministerial patronage in this country. He did not think that any Irish susceptibilities would be wounded by the abandonment of that part of the Prerogative, and, he believed, that the final closing of the Irish Peerage would be a real benefit to the country.

EARL GREY contended that the system of election of the Scotch and Irish Peers to that House was unsound, and that the creation of more Irish Peers would be an unmixed evil. Looking at the recommendations of the Committee, he was not surprised that the noble Chairman had declined to take any steps in reference to them. On the contrary, the noble Earl had exercised a wise discretion in not doing so. It was, however, the duty of the Government to bring the subject before the House, and to prevent, if possible, any further complication in reference to it.

THE EARL OF AIRLIE understood his noble Friend to say that though the Report recommended that the Scotch Peers not in that House should be placed on the same footing as the Irish Peers not in that House, yet that the opinions expressed by the Scotch Peers themselves were to the effect that they did not desire it. Now, he (the Earl of Airlie) had



himself proposed to embody that recommendation in the Report; but there was such a strong opinion in the Committee against his proposition that he did not venture to press it. He hoped that some day the Scotch Peers would be in a better frame of mind on that point.

#### ARMY (INDIA)—COMPETITIVE EXAMINATION.

##### MOTION FOR AN ADDRESS.

LORD STRATHNAIRN moved that an humble Address be presented to Her Majesty for, Copies of any Correspondence now in the India Office between the Government of India and the India Office relating to the effects of competitive examination and the present system of education for first commissions and appointments in India.

THE DUKE OF RICHMOND said, he was sorry that he could not consent to the Motion, for the good reason that the correspondence was still going on, and it would be quite irregular to lay upon the Table part of an incomplete correspondence.

LORD LYTTTELTON said, he should be glad if the noble Duke would give their Lordships some information upon this important subject, as many persons were anxious to know whether the men appointed under the present system of competitive examination did their work better in India than those appointed under the old system.

LORD STRATHNAIRN said, that he must express his surprise and regret that he should now for the third time be refused Papers relating to a question which was the subject of general complaint—the system of civil competitive examination as a qualification of candidates for first commissions in the Army. The first excuse was that the Civil Commissioners declined to give the Papers he moved for for reasons which were unintelligible. He was not aware that the Civil Commissioners of Education had a right to refuse a Member of their Lordships' House Papers which would throw light on the important question whether the present system of education, which placed in the hands of Civil Examiners the extraordinary power, not known in any other Army, of admitting military candidates into the service of their Sovereign and their country, or of disqualifying them for it, was not a great

*The Earl of Airlie*

anomaly and a great mistake. Nothing could be more important than the proper and efficient officering of our Army, especially in the times in which we lived, when two great military Powers were, perfectly armed and organized, contemplating a war of retaliation, which might upset the balance of power and the rights in which this country was so much interested.

LORD LAWRENCE assured their Lordships that we did not get better men in India for the Civil Service at any period within his recollection than we obtained under the competitive system. He might not be considered to be a competent judge of the merits or qualifications of young officers who went out in the military service, but he did not know that those who went out under the competitive system were inferior to those under the old or patronage system. They appeared to him to be all of the same class socially—the only difference between the two systems being that under the competitive system we insured a certain qualification and intellectual culture in our officers, which we were not certain to secure under the other system. He felt it his duty to bear testimony to the competitive system as on the whole superior to the old or patronage system.

On Question, *resolved in the negative.*

#### NEW PEER.

The Earl of Dalhousie of that part of the United Kingdom called Scotland, having been created Baron Ramsay of the United Kingdom—Was (in the usual manner) introduced.

House adjourned at a quarter past Seven o'clock, till To-morrow, half past Ten o'clock.

#### HOUSE OF COMMONS,

*Monday, 21st June, 1875.*

MINUTES.]—PUBLIC BILLS—*Ordered—First Reading*—Turnpike Acts Continuance, &c. \* [216]; Poor Law Amendment \* [217]; Washington Treaty (Claims Distribution) \* [218].  
*Second Reading*—Statute Law Revision (Ireland) \* [199]; Pacific Islanders Protection \* [182]; Parliament of Canada \* [209].



*Committee*—Merchant Shipping Acts Amendment (*re-comm.*)\* [116]—R.P.; Lunatic Asylums (Ireland)\* [189]—R.P.; Summary Prosecutions Appeals (Scotland) (*re-comm.*)\* [191]—R.P.

*Committee* — Report — Pharmacy\* [175-216]; Ecclesiastical Commissioners (Fen Chapels)\* [173].

*Third Reading*—Juries (Ireland)\* [206] Medical Acts Amendment (College of Surgeons)\* [100], and *passed*.

#### CENTRAL ASIA—RUSSIAN EXPEDITION TO HISSAR.—QUESTION.

SIR CHARLES W. DILKE asked the Under Secretary of State for Foreign Affairs, Whether he has any information as to the Russian expedition to Hissar; and if he knows whether the men of science named for it are to be accompanied by a military escort?

MR. BOURKE, in reply, said, the only information which had been received at the Foreign Office as to a Russian scientific expedition to Hissar was contained in an extract from *The Turkestan Gazette*, which he did not think would be intelligible to the House without a map. He would, however, take measures to have it published. He had heard nothing as to the expedition being accompanied by a military escort, but he thought that if an expedition of the kind had started into a country which might be said to be unknown, and the natives of which were, most probably, extremely rough and barbarous, it was very likely to be accompanied by a military escort.

#### AUDIT OF ARMY AND NAVY ACCOUNTS. QUESTION.

MR. J. HOLMS asked the Secretary to the Treasury, Whether the Departmental Committee recommended by the Select Committee of Public Accounts, to report upon the expediency of extending the system of an independent audit to the accounts of our Army and Navy expenditure, was appointed; and, if so, when; and, whether that Committee has made any Report; and, if so, if he has any objection to lay said Report upon the Table?

MR. W. H. SMITH: Sir, the Committee to which the hon. Member for Hackney refers was appointed under the superintendence of the Financial Secretary to the Treasury, and made some of its inquiries. Various circumstances, however, occurred to delay

it, and no Report has yet been presented. I have had the subject under consideration, and I trust that I shall be able to suggest a satisfactory solution of the Question. For that purpose I propose at my earliest leisure—most probably at the end of the Session—to resume and complete the inquiry, and the Report which we shall present will, of course, be communicated to the Departments concerned and submitted to Parliament.

#### WEST INDIES—ISLAND OF ST. VINCENT.—QUESTION.

MR. ERRINGTON asked the Under Secretary of State for the Colonies, Whether a Petition was received at the Colonial Office from the island of St. Vincent, dated April 1874, signed by all the non-official members of the Executive Council and of the Legislative Assembly of the Colony, by every landed proprietor, planter, and estate agent, and by every mercantile firm in the island (with one exception), in which it is stated that the taxation of the Colony is excessive, and beyond what is needed for its due administration, and that, owing to the depressed state of West Indian produce, if the taxation be not diminished, the necessary result must be that the majority of the estates in the island will cease to be cultivated; whether any acknowledgment or reply has been sent to that Petition; whether the attention of the Secretary of State for the Colonies has been called to the apparent discrepancy between the above statements, made by so large a majority of the inhabitants of St. Vincent, and those contained in the published Despatch of Administrator Laborde, dated April 16th, 1873, in which he states, with reference to the Colony of St. Vincent, that "there is nothing to complain of," and "that the people are quiet and contented;" whether Mr. Laborde has been asked for any explanation of this apparent discrepancy; and, whether the newly appointed Lieutenant Governor of St. Vincent has been directed to inquire into the grievances alleged by the inhabitants, with a view to the adoption of remedial measures?

MR. J. LOWTHER: Sir, a Petition of the nature referred to by the hon. Gentleman was received at the time stated in the Question. Both before and since its receipt the financial condition

of the island and the incidence of taxation have received the anxious consideration of my noble Friend the Secretary of State, and on the appointment of the new Lieutenant Governor (Mr. Dundas) his especial attention was directed to these subjects. With reference to the other points alluded to in the Question of the hon. Gentleman, as active steps were being taken and communications made to the Lieutenant Governor, and through him to the various persons in the Colony who were interested in these matters, it was not considered necessary to enter any further into the matter. I am happy to be able to state, in conclusion, that Mr. Dundas has already proposed, with the concurrence of the elective Members, a revised scheme of taxation, which he believes to be in accordance with the wishes of the community, and which promises to afford general satisfaction, and this scheme has received the approval of the Secretary of State.

#### WATERFORD HARBOUR COMMISSIONERS—AUDIT OF ACCOUNTS.

##### QUESTION.

In reply to Mr. R. POWER, THE CHANCELLOR OF THE EXCHEQUER said, the accounts of the Waterford Harbour Commissioners were not audited by the Controller and Auditor General, for the reason that they neither came within the class of accounts contemplated under the Act, nor had any application for such an audit been made. It was not the present intention of the Treasury to give any further directions on the subject.

#### ARMY—NON-COMMISSIONED OFFICERS.—QUESTION.

CAPTAIN NOLAN asked the Secretary of State for War, When he hopes to be able to state to the House the general outlines of his scheme for the improvement of the position of Non-Commissioned Officers?

MR. GATHORNE HARDY, in reply, said, he had prepared certain suggestions and estimates, which he intended to lay before Parliament, for the improvement of the condition of non-commissioned officers. Owing to certain unavoidable causes, a greater delay than he anticipated had arisen in bringing the question before the House, and he

was quite unable to say when he should be able to proceed in the matter.

#### IRELAND—THE DUBLIN POLICE.

##### QUESTION.

MR. SULLIVAN asked the Chief Secretary for Ireland, If his attention has been called to certain paragraphs in the Dublin daily papers relative to the arrest of some gentlemen by the police on a charge of injuring iron railings in Sackville Street (which the prisoners declared they were only "straightening") at three o'clock in the morning, when coming from their club, the acting Police Inspector who received the charge at the police station directing them to be retained till morning; whether it is true that amongst the friends who during the night offered themselves as bail for the accused, was the Commissioner of Police, the superior officer of the Inspector in question; whether the newspapers are correct in stating that the Inspector had been "reduced" by the Commissioner in consequence of this incident; and, whether, having regard to the desirability of the officers and men of the police force discharging their duties in an impartial and independent manner, the Government will recommend the Chief Commissioner of Police in future to leave the bailing of night prisoners arrested by the police to some other friends of the accused?

MR. MICHAEL HICKS BEACH, in reply, said, he took no notice of certain paragraphs referring to the matter in question, because he did not think they deserved attention. It was not true that the Chief Commissioner of Police offered himself as bail for the accused. There would have been no necessity for his doing so, because, both as Chief Commissioner and as a magistrate, he might have discharged the defendants from custody if he had thought fit to do so. The case went before a magistrate the following morning, and was dismissed, and the police-sergeant who was acting as night Inspector at the time these gentlemen were arrested was reduced to his former grade of sergeant, on account of the want of discretion which he displayed in detaining persons who were perfectly well known to him, and not allowing them to be released upon bail.

*Mr. J. Lowther*

THE FIJI ISLANDS—EPIDEMIC OF  
MEASLES.—QUESTION.

SIR JOHN HAY asked the First Lord of the Admiralty, Whether the fatal epidemic of measles, which is reported to have committed such havoc in the Fiji Islands, is to be attributed to any relaxation of the rigid precautions which usually prevail in Her Majesty's ships?

MR. HUNT, in reply, said, he was unable to give his right hon. and gallant Friend any information on the subject. A Report had been called for, but it had not yet been received.

ARMY—BRIGADE DEPOT AT WARLEY.  
QUESTION.

COLONEL GILPIN asked the Secretary of State for War, If he would state to the House what is the present strength of the several Brigade Depots at Warley in Essex, in officers and men, particularly detailing the Staff, Commissioned and non-Commissioned; and, whether it is true there are three Paymasters stationed there, and if so, what are their functions?

MR. GATHORNE HARDY: Sir, the strength of the three Brigade Depôts at Warley is as follows:—Staff, 4 of the 44th, 3 of the 49th, 4 of the 50th—total, 11; officers, 11 of the 44th, 8 of the 49th, 9 of the 50th—total, 28; sergeants, 17 of the 44th, 16 of the 49th, 13 of the 50th—total, 46; drummers, 4 of the 44th, 4 of the 49th, 4 of the 50th—total, 12; rank and file, 149 of the 44th, 111 of the 49th, 94 of the 50th—total, 354; making a total of 185 of the 44th, 142 of the 49th, 124 of the 50th—grand total, 451. It is true that there are at present three Paymasters there. Their duties are to pay the men and Staff of the Brigade and of the two Depôts attached to each, and as the Brigade system is more and more developed, they will pay the Auxiliary Forces and Pensioners and all local services in each sub-district. Two of the three Brigade Depôts are only temporarily at Warley, having been moved there from Woolwich in consequence of the sickness at the latter station. The fact of there being three Paymasters at Warley arises from the state of transition of the Depot generally, and is unavoidable. The War Department were

to dismiss Paymasters merely because three Depôts happen to be temporarily together on account of unforeseen circumstances such as have happened in this case.

IRELAND—HARBOUR OF ARDGLASS.  
QUESTION.

GENERAL SIR GEORGE BALFOUR asked the President of the Board of Trade, If he will lay on the Table of the House the Documents relating to the Grant of Money made to the Harbour of Ardglass, in order to explain the intentions of Government in respect to grants of public money to assist in improving Harbours in Scotland?

SIR CHARLES ADDERLEY, in reply, said, there were no documents in the Board of Trade referring to the grant.

INDIA—DISPUTES WITH BURMAH.  
QUESTION.

MR. RICHARD asked the Under Secretary of State for India, Whether Her Majesty's Government will at once communicate to the House any information relative to the complaints, of whatever kind, made by the Government of India against the King of Burmah, together with a Copy of the instructions given to Sir Douglas Forsyth, Her Majesty's special Envoy to the Burmese Court?

LORD GEORGE HAMILTON: Sir, there will be no objection to lay upon the Table of the House the Correspondence relating to the differences which have from time to time arisen between the King of Burmah and the Indian Government. Sir Douglas Forsyth has been sent upon a special mission to Mandalay to facilitate an amicable settlement of their differences. No course, in the opinion of the Secretary of State, would be more likely to frustrate that object than to make public the special instructions upon which Sir Douglas Forsyth has orders to act, and therefore, I am afraid I must decline to furnish the hon. Gentleman with them.

INLAND REVENUE—APPOINTMENT OF  
SIR ALFRED SLADE.—QUESTION.

MR. DILLWYN asked the First Lord of the Treasury, Whether it is true, as stated in the "Morning Post" of the



18th instant, that Sir Alfred Slade has been appointed to the Office of Receiver-General of the Inland Revenue?

MR. DISRAELI: It is quite true, Sir, that Sir Alfred Slade has been appointed to that office.

MR. DILLWYN: I beg to give Notice that I shall call attention to the subject on the Motion for going into Committee of Supply on Friday next.

POST OFFICE—THE WEST INDIA MAIL.  
QUESTION.

MR. ALDERMAN COTTON asked the Postmaster General, If he will make arrangements for the Royal Mail Steamers to the West Indies to call for letters at Plymouth on the outward voyage on the 3rd and 18th of the month, so as to increase the interval between the arrival and departure of the mails, and obviate the inconvenience occasioned not only to merchants in London, but also in Liverpool, Manchester, and the whole of Scotland, by the short time now allowed for replying to letters; and, whether he will make other arrangements, such as offering a premium for increased speed (as in the previous contract) likely to effect the same object?

LORD JOHN MANNERS, in reply, said, he could not adopt the suggestion, as he thought that whatever advantages might be likely to arise from such an arrangement, they would be more than counterbalanced by disadvantages. There was not any offer of premiums for increased speed in the contract.

PUBLIC HEALTH—SANITARY CONDITION OF OXFORD.—QUESTION.

MR. GATHORNE HARDY, who had a Notice on the Paper, to ask the honourable Member for Barnstaple, Whether, having charged the authorities of Oxford with "gross and wilful neglect" to the sanitary condition of that place, he will at once place upon the Paper the Resolution which he proposes to move, that they may become acquainted with the specific charge made against them, said, that as he understood that that hon. Member had withdrawn his Notice, he (Mr. Hardy) did not think it necessary to put to him the Question he had placed on the Paper.

MR. T. CAVE said, he was almost sorry that the right hon. Gentleman had

*Mr. Dillwyn*

withdrawn his Question, especially as there was another immediately following it to be put by the hon. and learned Gentleman the Member for the City of Oxford (Sir William Harcourt) relating to the same subject. Immediately on the appearance of his (Mr. T. Cave's) Notice of Motion, he received so many communications from various parties interested in the City of Oxford, and especially from one of the authorities of one of the principal Colleges, that he thought it his duty to make a fuller investigation into the matters referred to in that Notice of Motion before bringing it under the consideration of the House, and in consequence of that he had removed it from the Paper under the best advice he could obtain in that House. He hoped at an early day to be able to state to the right hon. Gentleman on what day and in what mode he would bring the subject before the House.

ARMY—KNIGHTSBRIDGE BARRACKS.  
QUESTION.

SIR FREDERICK PERKINS asked the Secretary of State for War, Whether his attention has been drawn to the fact that scarlet fever has broken out amongst the Soldiers of the Second Life Guards now stationed at Knightsbridge Barracks, and not only in the barracks but in the lodging-houses in the vicinity where many of the married men are located; and, whether, in view of this serious state of things, combined with the alleged unsanitary state of the barracks, he will consider the desirability of removing the barracks to a less densely populated locality?

MR. GATHORNE HARDY: Sir, on the 14th instant the medical authorities reported that since the 26th of May, the date of the first case, three cases of scarlatina had occurred among the men and three among the children living in barracks, and three among the children living outside the barracks. On the 17th instant one trooper was admitted into hospital with symptoms of a mild attack of scarlatina. All the cases have been of mild type, and nearly all are convalescent. In reporting the case on the 17th instant, the Surgeon Major 2nd Life Guards said—

"This is the only case I have had among the men since the 3rd instant, and I have no fresh cases to report among the women or children living in or out of barracks."



With regard to the alleged unsanitary state of the barracks, judging from the Sanitary Reports of the last three years, it would not appear that Knightsbridge Barracks are in an unsanitary state as compared with other barracks in general. The annual ratio of admissions per 1,000 of the Household Cavalry is below that of other arms of the service generally. The result of a comparison between Knightsbridge and Regent's Park Barracks is much in favour of the former, if the proportion of illness from fevers and infectious diseases depending on unsanitary conditions of dwellings be alone taken. Scarlet fever has been, it is believed, prevalent in the neighbourhood of the barracks previous to the 2nd Life Guards coming there, and so far from bringing it, they had found it there.

#### SUPREME COURT OF JUDICATURE ACT (1873) AMENDMENT BILL.

##### QUESTION.

MR. LOPES asked the Lord Advocate, in the absence of Mr. Attorney General, When (having regard to the near approach of the Circuits, and the consequent absence of many legal Members) the Committee on the Supreme Court of Judicature Act (1873) Amendment Bill will be taken?

THE LORD ADVOCATE, in reply, said, he was unable to state on what day the Committee would be taken. The convenience of legal Gentlemen would be consulted with reference to the day when the Bill would be set down for going into Committee.

MR. LOPES said, the answer not being specific, he would repeat his Question on Friday next.

#### POST OFFICE—TELEGRAPHIC COMMUNICATION WITH THE CHANNEL ISLANDS.—QUESTION.

MR. LOCKE asked the Postmaster General, Whether any steps are being taken to re-establish the telegraphic communication, which has been interrupted for some time, between England and the Channel Islands; and, if so, how soon it is expected the telegraph will be in working order?

LORD JOHN MANNERS, in reply, said, that steps had been taken to re-establish the communication referred to. A cable heavier and more durable than

the former one was now being manufactured, and as soon as it was completed it would be laid. It would probably be finished about the end of next month, when the communication with the Channel Islands would be restored.

#### IRELAND—REMOVAL OF LUNATICS.

##### QUESTION.

MR. ARTHUR MOORE asked the Chief Secretary for Ireland, Whether his attention has been drawn to the following statement made by Dr. Garner in his annual report to the governors of the Clonmel District Lunatic Asylum:—

"Patients are often conveyed to the asylum under the provisions of the Act 30 and 31 Vic., c. 118, guarded by an armed escort, generally handcuffed, and as often as not bound hand and foot. In one case the unhappy patient, in addition to his bonds, arrived enveloped in a bag reaching up to his throat. In this plight he had travelled on a car nearly 40 miles. In another—that of a puerperal maniac—the restraining cords cut deeply into her wrists and ankles; the chances of recovery are thus, I need not say, heavily weighted. More than two-thirds of the admissions are under the authority of this statute, so that the necessity of a more decorous mode of conveyance is all the more pressing;"

and, whether he will issue stringent orders to the police to avoid all unnecessary suffering to such patients?

SIR MICHAEL HICKS-BEACH, in reply, said, the police had already received orders to avoid all unnecessary suffering to patients conveyed to lunatic asylums in Ireland. He had made inquiries of the Inspector General of Constabulary, but did not find that any complaint had been made to him of the improper conduct of the police of Tipperary in this respect; nor did he find that any statement had been received by the Inspectors of Lunatic Asylums similar to that which, according to the hon. Member, was made by Dr. Garner in his annual report to the governors of the Clonmel District Lunatic Asylum. This statement was, however, of so serious a nature that he would cause inquiry to be made in regard to it, and he should be happy to communicate to the hon. Member the result of the investigation.

#### CRIMINAL LAW—TREATMENT OF CONVICTS—PORTLAND AND CHATHAM.

##### QUESTION.

MR. O'CONNOR POWER asked the Secretary of State for the Home Department, If he has any communication to



make to the House with reference to the recent death of a convict in Portland prison, and the declaration of the jury at the inquest accusing the assistant medical officer of unkind treatment of the deceased; and, if it is true that a military prisoner named O'Brien, now undergoing sentence of penal servitude for life at Chatham, has been in chains since Christmas, or at any time since his conviction, and, if so, for how long a period; and if it is also true that his mother went a few days since to see him, but, after having been brought to Chatham, was told her son had forfeited his right to a visit and had to come away without seeing him?

MR. ASSHETON CROSS, in reply, said, that in consequence of the verdict of a coroner's jury he ordered a special inquiry to be instituted into the conduct of the assistant medical officer at Portland prison with reference to the recent death of a convict there. That inquiry was conducted by persons well qualified to form a correct judgment—namely, Dr. Guy, Dr. Bristowe, and Captain Stockwell. If the hon. Member would move for a Return of their report, he (Mr. Cross) should have no objection to place it on the Table of the House; but at present he would only refer to the concluding portion of it in which they stated that having taken all the facts of the case into consideration, they had no alternative but to acquit Dr. Bernard of the charge of want of skill, want of attention, and want of substantial kindness. At the same time, they said it appeared from the evidence that he had exhibited a certain abruptness and brusqueness of manner which would go far to explain the convict's dislike to him. It was true that a military prisoner named O'Brien, now undergoing sentence of penal servitude for life at Chatham, was put in chains in the middle of last year. On the 29th of June, 1874, he was discovered to have made a hole in the wall of his cell with a view to effecting his escape. For this offence he was, according to the rules of the prison, placed in light chains for six months. In consequence, also, of this misconduct he was placed in another class of prisoners and his right to see his friends was curtailed. It was for this reason, and for this reason alone, that when his mother went to see him she was told her son had forfeited his right to a visit, and she had

to go away from Chatham without seeing him.

MR. O'CONNOR POWER said, that on an early day he would put another Question on the same subject.

#### THE INDIAN CIVIL SERVICE.

##### QUESTION.

MR. DALRYMPLE asked the Under Secretary of State for India, in reference to questions on the same subject on July 10th of last year and February 18th of this year, Whether any decision has yet been arrived at by him in regard to the new rules affecting the leave of those uncovenanted civil servants in India whose cases have remained undecided since last year; and, if not, what has become of the list of uncovenanted civil servants in Bengal which accompanied a despatch from the Government of India, dated May 26th, 1874, and upon whose cases a decision was deferred until the receipt of further information from that Government, while the list for the province of Oudh was accepted by him, and the officers mentioned in it were admitted, two years ago, to the benefit of the new rules?

LORD GEORGE HAMILTON: Sir, no decision has at present been arrived at by the Secretary of State regarding the application referred to in the Question of the hon. Member. The subject is one upon which it is very difficult for the Secretary of State to make any great change without having before him a statement of the definite opinion of the Government of India. No such statement has at present been received, but a despatch upon the subject will shortly be sent out.

#### MERCHANT SHIPPING ACTS AMEND.

MENT (*re-committed*) BILL.—[BILL 116.]

(*Sir Charles Adderley, Mr. Cavendish Bentinck,*

*Mr. William Henry Smith.*)

COMMITTEE. [*Progress 18th June.*]

Bill considered in Committee.

(*In the Committee.*)

Clause 12 (*Charges against officers.*)

Amendment proposed, in page 6, line 30, to leave out the words "an assessor," and insert the words "two or more."—(*Mr. Norwood.*)

Question proposed, "That the words 'an assessor' stand part of the clause."

*Mr. O'Connor Power*

SIR CHARLES ADDERLEY opposed the Amendment, on the ground that it would cause unnecessary expense to appoint two assessors in every case. Assessors were not always easily to be found; besides, it was useless to have two assessors, if the inquiry was such that it could be, and sometimes would be better, carried on with one. Two might always be appointed wherever necessary.

MR. SERJEANT SIMON thought a tribunal of such importance ought to have the advantage of more than one assessor, if its decisions were to have any weight. He could not accept the ground of expense as an excuse for depriving officers of the Mercantile Marine of the consideration they were entitled to when their conduct was called in question. He hoped the hon. Member for Hull would press his Amendment, and with every desire to support the Government in passing the Bill, he would support the hon. Member if he stood by his Amendment.

LORD ESLINGTON observed, that there was nothing in the clause which would prevent there being two or three assessors, whilst it would ensure that there should be only one in cases in which there was no necessity for more.

SIR ANDREW LUSK said, it was much ado about nothing. Cases where a man's personal liberty was involved were decided by one magistrate; and in this particular instance the point generally was not whether the certificate ought to have been suspended, but whether it ought ever to have been granted. In his opinion, the clause as it stood was amply sufficient for all purposes.

MR. LOPES thought that the clause as it stood would meet every purpose that was required; whilst the Amendment would render it necessary to have two assessors, even in small and trifling cases where they were not required.

MR. NORWOOD said, that the officers of the Merchant Service attached very great importance to this Amendment; because upon the result of these inquiries might depend their character and their means of livelihood. They would, however, be satisfied if the person whose conduct was in question was allowed the option of demanding a second assessor. Two assessors were required in the comparatively trifling cases which were brought before County Courts. He

did not wish to press his Amendment unduly on the House, but he did think that for the sake of a £10 note a second auditor ought not to be refused.

*Amendment negatived.*

MR. HAMOND moved, as an Amendment, in page 6, sub-section 3, line 30, to leave out "of such skill and knowledge," and insert, "but who shall have no power to vote." The judgment should be that of the Court, the duty of the assessors being ended when the report was made.

SIR CHARLES ADDERLEY pointed out that that was already the case, the assessors being merely the advisers and assistants of the Judge. He was not aware of any cases in which they did vote or could vote.

MR. LOPES regarded it as quite clear that assessors had no power to vote.

*Amendment negatived.*

MR. SERJEANT SIMON moved, as an Amendment, in page 6, line 31, after "knowledge" to insert—

"Whose qualification shall be at least twenty years' service at sea, five years of that time in a sailing vessel, and ten years as master in either steam or sailing ships in the British Merchant Service; and in all cases of a steam vessel being the subject of inquiry, one of the assessors shall have been ten years master of a steamship."

The hon. and learned Member said, he did not in that Amendment go beyond the expressed intention of the Government, that the persons called upon to judge of the management of a merchant ship should be persons of nautical skill and of the necessary experience. The Committee however, were not told what their qualifications were to be; the only thing they were told was that the persons to be appointed should be chosen by the Judge of the Court of Admiralty. He held that some indication of the kind of persons to be appointed should be given, for the matter was too important to be left to the discretion of a Judge. An officer of the Royal Navy would be tried by a court-martial—that was, by his peers; but there was no process of that kind in the Merchant Service. Hitherto assessors had been selected from among officers in the Royal Navy, though they had no special acquaintance with the Merchant Service. Officers in that service felt very sore at this, and they feared that this system might still continue. The kind of skill



to be met with in naval officers was not the kind of skill necessary for conducting a judicial inquiry in the case of merchant vessels. The officers of the Merchant Service, therefore, demanded as a matter of fairness that they should be tried by persons who had had the same nautical experience as themselves and in vessels of the same class. The Amendment he proposed laid down, he ventured to suggest, a fair qualification for the assessors, but he was ready to allow it to be modified.

SIR CHARLES ADDERLEY said, the Amendment had arisen in an oversensitive jealousy on the part of the Merchant Service towards the officers of the Royal Navy. And yet he did not suppose anyone would have the officers of the Royal Navy altogether excluded from acting as assessors in any case. What, then, was the use of the Amendment? Some authority must be appointed to name the assessors, and it was thought that the High Court of Admiralty would be the best, instead of as at present the Board of Trade, which was the prosecutor. Suppose a boiler had burst, and that an engineer was wanted as assessor, would it be well to restrict the choice in the manner proposed by the Amendment—that the engineer must have been 20 years at sea, five in a sailing vessel? As the clause now stood, the Court could elect the fittest assessors for each particular case.

LORD ESLINGTON did not agree with his right hon. Friend that this sensitiveness on the part of the Merchant Service had arisen from jealousy of the officers of the Navy. It arose rather from the circumstance that this was a matter on which their livelihood depended. He was of opinion, however, that if unnecessary restrictions on the choice of assessors were imposed, the object in view would be defeated, because competent men were not to be obtained every day.

MR. GOURLEY supported the Amendment, as he doubted whether naval officers would always have that practical knowledge and intimate acquaintance with the coast where the accident to be inquired into might have occurred, that would qualify them to act as assessors.

MR. MAC IVER also supported the Amendment. These Courts of Inquiry were often a scandal to justice. He did not believe there was any jealousy on

the part of the Mercantile Marine with respect to officers of the Royal Navy; but he thought the Amendment of the hon. and learned Member was a fair and reasonable one, inasmuch as the object was to secure that there should be on the tribunal at least one assessor, who was practically acquainted with the working of the Mercantile Marine. There was a strong feeling against placing the decision of many important questions in the hands of a single stipendiary magistrate, who might have little or no experience, assisted by an assessor who, however able in other respects, knew nothing of the Mercantile Marine. He earnestly hoped the President of the Board of Trade would in some way modify the clause, so as to meet the very general feeling which prevailed on the subject.

MR. T. E. SMITH hoped that the right hon. Gentleman would see his way to the acceptance of at least a portion of the Amendment, and not leave the decision of important questions affecting the Mercantile Marine to naval officers only. The Mercantile Marine had a right to some distinct representation in the Court. Something should be done to give them confidence in it. He suggested that at least one of the assessors should belong to the Merchant Navy. That would, he thought, go far to meet the justice of the case. Officers of the Royal Navy had not always a knowledge of the particular circumstances under which the casualties to be investigated sometimes arose.

MR. LOPES could not understand why any limitations should be placed on the exercise of the functions of the Chief Judge of the High Court of Admiralty in appointing assessors. No such interference existed in the case of the Home Secretary, who had to appoint stipendiary magistrates almost every day. He hoped the clause would be agreed to as it stood in this respect.

SIR ANDREW LUSK hoped the Amendment would not be pressed. He did not know where the hon. Member for Birkenhead (Mr. MacIver) was born and bred that he should say that the way justice was administered in this country was scandalous. After all, suspension of a certificated officer was not so great a loss as was imagined, for very often a good ship was waiting for the person suspended when the time of sus-



pension expired. He would rather have a clever young man with six than an old woman with 60 years' experience for surveyor or assessor.

MR. TORR said, what was wanted was a good counsellor to assist the Judge. He would suggest the omission of the terms of service from the Amendment, so as to allow the Judge of the High Court of Admiralty, as far as practicable, to select from persons who had acquired a knowledge of and concerning the Mercantile Marine.

MR. D. JENKINS was in favour of one of the assessors being connected with the Mercantile Marine. He wished to point out that the clause made no provision for the appointment of an assessor with a knowledge of steam sailing in cases relating to steamers.

MR. HENLEY said, he was in favour of the appointment of a tribunal in which the Mercantile Marine would have confidence. He did not think that would be the case here. An officer of the Royal Navy might be as good a sailor as ever went to sea, but he had no practical knowledge of the particular circumstances he might be called upon to decide. He would, therefore, recommend his right hon. Friend to reconsider the subject, and amend the clause in such a way as to give some guarantee that assessors appointed should really have practical experience in the matters which would be submitted for their judgment and decision.

MR. E. J. REED said, he objected to the Amendment that whereas the clause did not exclude engineer officers the Amendment did.

MR. BENTINCK condemned the Amendment on the ground that as drawn it would defeat its own object. By it a really competent man might be excluded if his period of service did not come up to the prescribed limit.

MR. NORWOOD observed, that the word "suspension" of certificate in the existing Acts had been altered in the clause to "cancelled," and therefore it was desirable as officers of the Merchant Service attributed great importance to the formation of the tribunal, to be careful how it was constituted. Officers of the Royal Navy would not be able in many cases to comprehend

multitudes masters of vessels might  
and he distinctly objected  
assessors.

SIR CHARLES ADDERLEY said, that the High Court of Admiralty would be instructed by the Board of Trade as to the class of men to be selected as assessors, according to the nature of the investigation. While he could not accept the Amendment as it stood, he would undertake that when the Report was brought up it should be so far amended as to give the High Court of Admiralty the power to appoint in all cases at least one assessor connected with the Mercantile Marine.

MR. SERJEANT SIMON said, in that case he would withdraw his Amendment.

Amendment, by leave, *withdrawn*.

MR. NORWOOD moved, as an Amendment, in page 6, line 32, to leave out "High," and insert "Local." He did so with the object of giving the appointment of assessors to local Judges of the Admiralty. It would also secure immediate inquiries, carried on at a small cost, by persons whose local knowledge would be valuable.

SIR CHARLES ADDERLEY thought it was desirable to carry out as far as possible the object of the Bill, which was to make the appointment of assessors as independent as possible, and especially to avoid appointments in localities with which the parties to cases for inquiry were connected.

MR. T. E. SMITH expressed a hope that the Amendment would not be pressed, thinking that it would be almost impossible to get local men as assessors who had not some connection with the parties to the cases under investigation.

MR. LOPES thought it would be much better that these appointments should rest with the Judges of the High Court of Admiralty, and then persons so appointed would be above suspicion.

Amendment *negatived*.

MR. HERSCHELL (for Mr. RATHBONE) moved an Amendment to the effect that assessors in a local inquiry should not be chosen from among the assessors of the High Court of Admiralty, the object being to prevent assessors of the High Court having to sit there in cases which they had already heard.

Amendment *negatived*.

MR. CHARLEY moved, as an Amendment, that the list of assessors of the High Court should be advertised in *The London Gazette*. It was important that the panel selected by the Court of Admiralty to try these cases should be made public.

SIR CHARLES ADDERLEY said, that would possibly preclude the appointment of the best man for a particular case if he were not in the advertised list.

Amendment, by leave, *withdrawn*.

MR. HERSCHELL pointed out that no provision was made for the appointment of assessors in a case in which proceedings were taken by persons independently of the Board of Trade.

SIR CHARLES ADDERLEY said, that hitherto proceedings had been taken, and probably would continue to be taken, through the Board of Trade.

SIR WILLIAM HARCOURT said, the clause clearly contemplated independent action.

SIR CHARLES ADDERLEY said, he would look into the matter, and bring up words to make it clear.

MR. NORWOOD said, it ought to be made clear that no proceedings could be taken except through the Board of Trade.

MR. CHARLEY moved an Amendment to the effect that six assessors should be chosen by ballot from a list, and that each party should strike out the names of two, the remaining names to be the assessors to assist on the hearing of the complaint. He said that this was the system at present in force in the Court of passage, at Liverpool, which was possessed of Admiralty jurisdiction. His object was to get an impartial tribunal, and the striking out of the names was in the nature of a challenge, only more convenient.

SIR CHARLES ADDERLEY opposed the Amendment.

Amendment *negatived*.

MR. RATHBONE moved, in page 6, line 29, after "made" to insert—

"Where the inquiry relates to a collision no assessor who shall aid the Court shall afterwards assist the High Court of Admiralty in hearing a case relating to the same."

SIR CHARLES ADDERLEY opposed the Amendment, on the ground that it referred to circumstances which did not

arise, as all cases of collision would ordinarily go before the High Court of Admiralty, and not be heard by local Courts. He would suggest to the hon. Member for Liverpool that it would be well to bring his proposal forward when the Committee came to consider the 47th clause, which related to inquiries as to wrecks.

MR. GORST thought the Amendment was entirely beyond the scope of the Bill.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 149; Noes 222: Majority 73.

MR. CHARLEY moved an Amendment giving the person charged power of requiring that he should be tried by a jury instead of by assessors. A similar power was given to the accused in the Labour Bills of the Home Secretary.

THE SOLICITOR GENERAL said, that there was a general willingness in the Mercantile Navy to accept, as the best tribunal, the stipendiary magistrate or County Court Judge, assisted by two assessors. One of the great objects in view was to prevent cases of this kind being investigated by those who had local interests, and upon whom local prejudices and influences might be brought to bear, as would be the case with a jury.

MR. LOPES thought the tribunal provided by the Bill was an excellent one, whereas a jury of shopkeepers, however estimable they might be, would be wholly unfitted to try questions of this kind.

MR. D. JENKINS could hardly think the hon. and learned Member for Salford was serious in making the present proposal.

Amendment, by leave, *withdrawn*.

MR. SHAW LEFEVRE moved, as an Amendment, in page 7, line 6, to insert the words "or suspended" after "cancelled." Under the existing law the Board of Trade had power to suspend an officer's certificate as well as to cancel it, and suspension was the course pursued in the great majority of cases. This Bill proposed to get rid of the power of suspending certificates, and only empowered the Court of Inquiry to cancel them. Such a provision would often

prevent the Court of Inquiry from doing justice; and, moreover, it did not appear what would be the status of a man whose certificate had been cancelled, and who might apply for another certificate after a certain lapse of time.

SIR CHARLES ADDERLEY opposed the Amendment, and observed that if an officer's certificate was suspended for incompetency, it was surely absurd that he should at the end of the period of inaction, when he would probably be more incompetent still, receive it back again. He proposed, however, to accept an Amendment of the hon. Member for Newcastle (Mr. Hamond), giving power to the Board of Trade to qualify the order by directing the defendant to apply at the time specified to be examined for a certificate of the same class as that cancelled, or to direct a certificate of a lower grade to be substituted for the one so cancelled. In this way the interval would be spent in practice, and the lost certificate regained on proof of competency.

MR. T. BRASSEY said, that the change proposed by the Bill was recommended by the legal advisers of the Board of Trade, in their evidence before the Royal Commission.

MR. BENTINCK said, a distinction ought to be drawn in cases where the certificate was cancelled for incompetency and where it was cancelled for misconduct.

MR. BATES said, a captain who happened to get too much to drink when not on duty ought not to have his certificate cancelled; but if he got drunk on board his ship, or while on duty, not only ought his certificate to be cancelled, but he should not be able to get another.

MR. A. W. PEEL said, he did not know why this power of suspension had been left out of the Bill.

SIR CHARLES ADDERLEY said, drunkenness in command of a ship was incompetency, and habitual drunkenness would be distinct proof of a captain's unfitness to command a ship.

Amendment, by leave, *withdrawn*.

MR. HAMOND moved, as an Amendment, in page 7, sub-section 5, line 7, *are out all after "fit," to end of section, and insert—*

*y, if it thinks fit, qualify such order so that the defendant may at the ex-*

piration of a certain time to be then and there specified, apply to be examined for a certificate of the same class as that so cancelled, or may direct a certificate of a lower grade to be there named to be substituted for that so cancelled."

If the Amendment were adopted, the Court would have power to award different grades of punishment for different classes of offences, and the Court would in certain cases have power to punish instead of the Board of Trade.

MR. T. E. SMITH, with reference to the proposed Amendment, said, he would move the omission of the words "to be examined," in justice to a large class who were entitled to certificates without examination.

Motion *agreed to*.

Words *struck out*.

Amendment, as amended, *agreed to*.

MR. HAMOND moved to leave out sub-section 8 in order to insert—

"The Board of Trade may regrant a fresh certificate to any person whose certificate has been cancelled, provided such person undergoes a further examination to qualify him for the same, and that a period of not less than twelve months has elapsed since the cancellation of his certificate and the period of his undergoing such examination."

As the sub-section stood it gave the Board of Trade unlimited power over the decision of the Court without further inquiry.

SIR CHARLES ADDERLEY said, that the eighth sub-section must certainly stand. The clause was a mere repetition of the existing law.

MR. NORWOOD said, it appeared to him that the sub-section was perfectly right, and without the power it contained much injustice might be done.

Amendment, by leave, *withdrawn*.

MR. NORWOOD moved an Amendment to the effect that the conduct of the inquiry and the evidence given before the Court should be as nearly as possible subject to and according to the laws of evidence and procedure in civil cases. At present the assessors "broke in" and asked questions which they had no right to put, whereby the course of justice was impeded.

THE SOLICITOR GENERAL said, that the object which the hon. Member desired to secure had already been effected. The inquiry must be held in England before a stipendiary or metropolitan magistrate, and it would be in the nature of a civil proceeding.



MR. SHAW LEFEVRE said, that the Bill separated the inquiry into two parts—that which referred to the loss of the vessel, and next as to the conduct of the officer. What he feared was that the latter inquiry would be too strictly legal, and that the officer would not himself be allowed to give evidence. It was very desirable that the officers should submit themselves to examination.

MR. HERSCHELL also doubted whether a person charged with drunkenness or incompetence, for instance, could give evidence. It would be more in the nature of a criminal than a civil proceeding.

THE SOLICITOR GENERAL believed that these were all of the nature of civil proceedings, and that the officers concerned would in all cases have the right to be examined. If it were not so, the Bill would require to be amended. He would look into the matter, and see whether any Amendment was necessary.

MR. NORWOOD said, he was satisfied with that assurance, and would withdraw the Amendment.

Amendment, by leave, *withdrawn*.

MR. WILSON moved an Amendment to provide for the payment, by the Board of Trade, of the defendant's costs in case the charge made against him proved to be untrue.

THE SOLICITOR GENERAL reminded the hon. Member that the Courts had full power to make such an award. If the Board of Trade was the complainant that body would have to pay the costs.

Amendment by leave, *withdrawn*.

MR. CHARLEY moved, in page 7, at the end of sub-section 8, to add—

"9. No party other than the Board of Trade or the owner of any ship shall be at liberty to make any such complaint, unless he shall have previously given security to the satisfaction of the court to which such complaint is made to answer the costs thereof."

His object was to prevent frivolous prosecutions, which were often made out of mere spite.

SIR WILLIAM HARCOURT did not think that the Amendment was necessary, for, as he understood, though complaints might come from other parties, the Board of Trade would be the sole promoter of proceedings.

LORD ESLINGTON remarked that if it were laid down that the Board of Trade or the owner were the only parties at liberty to make complaints, a great many cases which might be known to sailors only would be excluded.

THE SOLICITOR GENERAL observed, that the Amendment did not say that no one, with certain exceptions, should make a complaint, but that no one should do so without giving security for costs. He did not see, if this Amendment should be accepted by his right hon. Friend, why the owner of a vessel should be exempted.

SIR CHARLES ADDERLEY said, he had no desire to prevent any person from making a complaint if he had grounds for doing so, but he thought it would be better not to press the Amendment.

MR. GORST said, that in the case of a sailor the Summary Jurisdiction Act would apply, and he would be able to go before a magistrate. To make the Board of Trade the prosecutor, considerable amendment must be introduced into the clause.

MR. SHAW LEFEVRE said, that by the clause it was competent for any person to prefer a complaint without first applying to the Board of Trade.

MR. CHARLEY said, the object of the Amendment was to meet cases where there would not be time to apply to the Board of Trade, and thereby prevent delay. He had no objection to leave out the words "owners of ships;" but he would persevere with it in its amended form. There was no doubt whatever that great hardship would be inflicted by leaving the clause as it stood. He himself knew a case where the captain of a ship was put to an expense of £30, caused by a vexatious prosecution brought by a sailor.

MR. CHILDERS wished to have something definite inserted in the clause to show whether proceedings were to be confined to the Board of Trade or not.

SIR CHARLES ADDERLEY said, it was seldom or ever that proceedings had been taken in the past, excepting by the Board of Trade, and it had, therefore, not been thought necessary to insert any provision against frivolous complaints by individuals.

MR. CHILDERS was not satisfied with the experience of the past as a



guarantee against anything that might take place in the future. He thought it should be put beyond doubt whether the whole proceeding might not be taken by any private person or whether it could only be taken by the Board of Trade. There should be no ambiguity on that point.

THE SOLICITOR GENERAL said, as the clause now stood, no doubt, a private person might take proceedings; but, owing to the Amendment made by the hon. and learned Member for Salford in the earlier part of the clause, this clause would require to be remodelled, which might be done on the Report.

SIR WILLIAM HARCOURT, before parting with the clause, wished to have some distinct understanding as to the nature of the alteration to be made—whether it would throw open the complaint to all the world or confine it to the Board of Trade. For his own part, he preferred the latter.

THE SOLICITOR GENERAL reminded hon. Members that the question had already been discussed in a fuller Committee than there was at present—namely, on the proposal of the hon. Member for Newcastle (Mr. Hamond) to confine complaints to the Board of Trade. The Committee was of opinion that complaints ought not to be confined to the Board of Trade, and the Amendment was rejected. He did not know that much alteration of the clause would be required. It had been drawn with the view that complaint might be made to anybody. He did not suppose these cases would frequently happen. It would be hard to an owner not to have his costs, and it would be equally hard on the sailor to deprive him of his remedy because he could not give costs.

MR. GOURLEY hoped the President of the Board of Trade would maintain the clause, and accept the Amendment of the hon. and learned Member for Salford.

MR. RATHBONE said, it would be by no means unlikely, under the clause, for complaints to be made out of spite, arising from quarrels between masters and men.

SIR CHARLES ADDERLEY said, that seeing the feeling of hon. Members generally, he would accept the Amendment, with the omission of the words "or the owner of any ship."

MR. GORST said, there were many reasons why it should not be permitted for seamen to call in question the competency of the master, and he was not disposed to admit the principle without further discussion and consideration.

SIR WILLIAM HARCOURT feared that the Committee was getting into a state of confusion, because while it had been decided that private persons might make complaints, there was no machinery provided for enabling them to do so. After a sailor had given security for costs, he could not give notice with respect to the appointment of assessors, that being in the hands of the Board of Trade.

SIR CHARLES ADDERLEY thought that the wording of the 3rd instruction might easily be adapted to the Amendment, by substituting for "the Board of Trade" the words "the person by whose application the complaint is made."

Amendment, as amended, *agreed to.*

Clause, as amended, *agreed to.*

#### *Discipline.*

Clause 13 (Misconduct endangering ship or life or limb).

CAPTAIN PIM moved, as an Amendment, in page 7, line 23, after "discipline" to insert—

"Any master or other person in command of a British ship, who, by neglect of the lead in taking soundings shall cause the loss of the vessel then under his command and be convicted of the same, shall forfeit his certificate, and be deemed guilty of a misdemeanor, and, if human life be sacrificed by the said neglect shall be deemed guilty of felony."

There had been two recent instances of great loss of life from the neglect of the lead.

SIR CHARLES ADDERLEY said, there was no necessity whatever for the proposed Amendment, because the Bill already provided for neglect, including all such cases. By specifying particular kinds of neglect exclusion of others might be inferred.

Amendment *negatived.*

MR. WILSON then moved the omission of the clause altogether, because it was so vaguely worded. It provided no machinery by which the charges could be made or the Act put in action.

MR. CAVENDISH BENTINCK explained that nothing about a prosecutor was said in the clause, because, pursuant to the recommendation of the Royal



Commission, the Bill constituted a public prosecutor in the shape of the Board of Trade, who in all cases would be charged with the duty of putting the enactment in force.

Motion, by leave, *withdrawn*.

Clause agreed to.

Clause 14 (Mutiny).

MR. BENTINCK moved, in page 8, line 10, to leave out "or without." He apprehended that one of the principal objects of the Bill was to save life at sea, and they must all admit that one of the most active causes of loss of life at sea was the want of discipline on board merchant vessels. Mutiny frequently involved the loss of the ship and also loss of life, and under this clause a person guilty of mutiny was to be sentenced to imprisonment for any term not exceeding two years, "with or without hard labour." To most men who misconducted themselves on board ship imprisonment without hard labour was not imprisonment at all, because they preferred idleness in prison to hard labour at sea, and he therefore thought that some punishment of a penal nature was necessary.

MR. COLE objected strenuously to the proposed Amendment, thinking that a discretion ought to be left with the presiding Judge. At the same time, he considered the system of hard labour altogether wrong. ["Oh, oh!"] Perhaps those who cried "Oh" knew nothing about the matter. Hard labour, as prescribed by the Prisons Act of 1865, was entirely a mistake, the true principle being industrial labour. At Devonport Gaol they had given up hard labour, and the result was, that the prisoners were put to industrial labour, and taught trades, and went out into the world very different men from what they were when first imprisoned. A whole wing had been built to that gaol entirely by industrial labour, and with a great saving to the ratepayers. Under the present system anyone sentenced to hard labour was for the first three months placed to what was called "first-class hard labour," which was the greatest absurdity under the sun—he had to wind up a winch or go on the treadmill, or carry shot from one end of the prison yard to the other and then bring it back again. The whole system was fallacious.

*Mr. Cavendish Bentinck*

MR. HUNT agreed with the hon. Gentleman that the Judge ought to have some discretion; but with regard to Devonport Gaol, the fact was that the discipline at that gaol had been found so little deterrent that the Admiralty had been obliged to cease sending prisoners there under the Navy Discipline Act, and had sent them to Bodmin Gaol instead, where the discipline was more strict.

MR. COLE said, the principle on which the prisoners were treated was identically the same in both gaols.

MR. NORWOOD thought the Court ought to have the discretion of awarding or not awarding hard labour, as proposed by the clause.

MR. D. JENKINS said, there might be cases where the extenuating circumstances were such that it was desirable not to inflict hard labour.

SIR CHARLES ADDERLEY pointed out that no change was made in the existing law by the clause, and deprecated the Committee sliding into a debate on prison discipline.

MR. BENTINCK had no objection to substitute the words "industrial labour" for "hard labour," in the clause; but, in its present shape, the punishment proposed could not act as deterrents. He would not trouble the Committee to divide.

Amendment, by leave, *withdrawn*.

Clause agreed to.

Clause 15 (Combining to disobey); and Clause 16 (Assault on officer), agreed to.

Clause 17 (Insubordination, breach of discipline, and negligence).

MR. MACDONALD said, that it was understood that one of the objects of the Bill was to lessen the penalties to which seamen would be subject, but instead of that, the Bill, and this clause particularly, inflicted more penalties and more punishments on seamen and apprentices. As a protest against this sort of legislation he would move the omission of the clause altogether. The system of increased punishment had rendered our Mercantile Marine more and more demoralized, and he thought the time had come to try some other policy than that of creating new forms of punishment with a view of improving the class for whom they were meant.

SIR WILLIAM HARCOURT asked why the penalties imposed by the clause should apply only to seamen and not to officers. This clause was unnecessary, because if carelessness or drunkenness endangered life or property they were already punishable with other offences under Clause 13; whilst if they did not they could hardly be called criminal offences, liable to be punished by imprisonment. He therefore thought the sub-sections of the clause relating to those matters should be struck out.

SIR CHARLES ADDERLEY declined to accede to the proposal, because the crimes punishable by the clause were different from those in the clause already passed. That was why the penalties imposed by the two clauses differed in nature and application. In the one case the punishment was for insubordination on the part of seamen, and in the other for incompetency of officers to command. He could not agree with the hon. Member for Stafford (Mr. Macdonald) that the punishments should be made milder than they were. The Royal Commissioners in their Report especially pointed out that the discipline was becoming rather too lax for the safety of the service, and did not give sufficient control to masters over their crews as regarded danger to life and limb.

MR. COLE supported the Amendment for the omission of the clause.

MR. FORSYTH said, if the clause was retained, it would have to be amended in its phraseology. For the word "continued" there would have to be substituted renewed or fresh acts of insubordination.

MR. MORGAN LLOYD said, that the 13th clause exhausted all offences contemplated by the Bill, and yet the clause under notice provided that a sailor guilty of simple disobedience of orders, which might not lead to any harm, should be deemed to be guilty of a misdemeanour, and be punishable with hard labour. He submitted that such an offence ought not to be punished with hard labour.

THE SOLICITOR GENERAL said, the Secretary of State had stated that the remedy for breach of contract should be by civil process, and also for the offence of disobedience; but, as regarded sailors, the right hon. Gentleman guarded himself, and said that the class of offences contemplated by the clause, considering

the character of the employment of the sailor and the grave consequences that might result from disobedience short of loss of life or destruction of the ship, was a very serious one, and such as ought not to be allowed to go unpunished.

SIR WILLIAM HARCOURT said, he could not agree with the hon. and learned Member that sailors, of all other classes, should be punished with hard labour for carelessness. Clause 13 provided a remedy for all such offences.

THE SOLICITOR GENERAL said, the offence of gross neglect and carelessness in a sailor was most serious, inasmuch as the destruction of life and ship might result from it.

MR. COLLINS would not go the length that the hon. and learned Solicitor General went in saying that a sailor should be punished with hard labour for carelessness. What he would suggest was that four weeks' imprisonment, without hard labour, would be sufficient punishment for the minor offence, as there was a great difference between them.

LORD ESLINGTON considered that it would be a great mistake to strike out the 17th clause, and that it was necessary to retain it in reference to the safety of life and property at sea.

MR. T. E. SMITH contended that there were many cases of insubordination which might be contrary to the discipline of the ship, and which might be attended with considerable danger.

MR. MACDONALD was of opinion that every punishment inflicted upon seamen would have the effect of preventing the country from getting good men to join the service. He would withdraw the Motion for the omission of the clause.

Amendment, by leave, *withdrawn*.

Clause agreed to.

Clause 18 (Neglect to keep lookout.)

CAPTAIN PIM proposed an Amendment providing that when a ship was in the vicinity of rocks or shoals it be the duty of the master to keep the lead constantly going.

SIR CHARLES ADDERLEY, in opposing the Amendment, said, the duty of keeping the lead going was only one among many duties, and it was unnecessary and undesirable to specify this par-



ticular duty. If duties were to be specified, it would be essential to have a complete list, or those not specified would be neglected with impunity.

CAPTAIN PIM said, that the loss both of the *Schiller* and the *Cadiz* was clearly attributable to neglect to keep the lead going. This neglect was, in fact, the cause of innumerable shipwrecks, and he should feel it his duty to press the Amendment to a division.

MR. BENTINCK protested against the Amendment being disposed of in so summary a manner by the President of the Board of Trade. In almost all cases of shipwreck in thick weather the loss was caused by neglect to keep the lead going. They were all aware of this, and he should vote for the Amendment.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 54; Noes 154: Majority 100.

On the Motion of Mr. SHAW LEFEVRE, Amendment made in page 9, line 15, by leaving out "with or without hard labour."

Clause, as amended, *agreed to*.

Clause 19 (Desertion and kindred offences.)

SIR WILLIAM HARCOURT moved to reduce the period of imprisonment for desertion from six to four weeks, thinking that the penalty under this clause ought not to be more severe than it was under Clause 17.

SIR CHARLES ADDERLEY, looking at the aggravated nature of the offence, could not accede to the proposed Amendment. The hon. Member for Greenock (Mr. Grieve) had given Notice of an Amendment to make the punishment three months instead of six weeks.

Amendment, by leave, *withdrawn*.

SIR WILLIAM HARCOURT moved an Amendment with the object of giving the magistrates a discretionary power to mitigate the punishment for failure on the part of a seaman to join his ship by imposing a fine of £5 instead of imprisonment with or without hard labour. It was desirable that discretionary power should be given in cases where men failed to join their ships for simple carelessness or because they got drunk on the proceeds of bank notes.

*Sir Charles Adderley*

THE SOLICITOR GENERAL pointed out that the object which the hon. and learned Gentleman had in view was practically met by subsequent words giving the magistrates the discretion in such cases to mulct the offender to the extent of 24 days' pay.

Amendment, by leave, *withdrawn*.

MR. HAMOND moved in page 10, line 10, to insert—

"Any offence committed by any seaman or apprentice under sections 13, 14, 15, 16, 17, and 19, shall be entered in the log-book by the master within 48 hours after such offence may have been committed."

SIR CHARLES ADDERLEY thought there was no necessity for fixing so rigid a limit.

MR. BENTINCK was of opinion that they got on better before the official log was invented.

MR. CHILDERS did not think there was any occasion for the insertion of the proposed words. The present provision was quite sufficient.

Amendment *negatived*.

On Question, "That the clause be agreed to?"

MR. MACDONALD moved its rejection. The clause was too vague and general in its character, and it would act unduly and oppressively on the seamen. These men fell into the hands of crimps, were kept in a state of drunkenness by the system of advance notes, and were then subjected to penal punishment for breach of contract. Contract had been pronounced, both by the Government and a Royal Commission, to be purely civil in its character, and he protested against any proposition which would render the breach of it criminal.

MR. MAC IVER, in supporting the Motion, said, that there was every desire on the part of the magistrates to do justice to all concerned in the cases brought before them, but he thought that this clause would perpetuate the grievance which already existed—namely, that our seamen should be treated differently from any other class of those who laboured for the wealth of this country, and therefore, if the hon. Member for Stafford went to a division, he should cordially support him.

Question put, and *agreed to*.



Clause 20 (Power of arrest in cases of desertion.)

SIR WILLIAM HARCOURT moved an Amendment with the object of doing away with summary arrest within Her Majesty's dominions, by requiring the warrant of a magistrate for the arrest of any deserter from his ship to be brought before him, when he might order his removal to the ship from which he had deserted or absented himself, but permitting his summary arrest in foreign States so far as the law of the place permitted.

Amendment proposed, in page 10, line 18, to leave out all the words after the word "offence," to the word "require," in line 26, inclusive."—(*Sir W. Vernon Harcourt.*)

SIR CHARLES ADDERLEY admitted that the power proposed to be re-enacted by the clause would be a violation of the ordinary constitutional law, though it had been statute law for 20 years, but pointed out that the circumstances in which seamen were placed were of such a peculiar character as to justify a departure from the ordinary rule of law in cases of their desertion. The ship might be upon the point of sailing, and there might not be any magistrate at hand to whom to apply on the matter. Desertion might take place on various opportunities during a voyage. A seaman's desertion endangered the lives of the rest of the crew. It could not be dealt with as a common breach of contract, nor as amenable to common police arrangements.

MR. MC CARTHY DOWNING supported the Amendment, as there was not any place into which a ship could put where it would not be easy to find a magistrate to grant a warrant. Difficulty might be experienced in some parts of Ireland in arresting, without a warrant, sailors who had deserted, in consequence of the view the people might take of such a proceeding.

Question put, "That the words 'master or any mate' stand part of the clause."

MR. T. E. SMITH urged the hon. and learned Gentlemen the Member for the City of Oxford to limit the operation of his Amendment to the United Kingdom, as the circumstances of the colonies were peculiar.

SIR WILLIAM HARCOURT said, he was willing to adopt the suggestion of the hon. Member.

THE CHAIRMAN ruled that the Amendment, having been put, could not be varied.

The Committee divided:—Ayes 203; Noes 128: Majority 75.

On the Motion of MR. GRIEVE, Amendment made in page 10, line 19, by inserting after "husband," the word agent."

MR. RITCHIE moved the omission from the clause of the words "without warrant" with reference to the arrest of sailors guilty of desertion. His object was to prevent such a proceeding taking place within the United Kingdom.

Amendment proposed, in page 10, line 22, to leave out the words "without warrant."—(*Mr. Ritchie.*)

Question put, "That the words 'without warrant' stand part of the Clause."

The Committee divided:—Ayes 191; Noes 137: Majority 54.

MR. CHILDERS moved, in page 16, line 24, after the word "dominions," to insert the words "except in a British possession, in which the law may otherwise provide." Some such proviso was necessary now that we had given constitutional government to our colonies. Under the Act, a sailor who had deserted from a British ship might be followed 50 miles inland, arrested without a warrant, and brought before a magistrate. That law conflicted with the law in some of the colonies, and in a recent case a sailor thus arrested without a warrant and brought before a magistrate was discharged, because, according to the law of the colony, he had been arrested illegally. Such a capture might be resisted and blood might be shed, in which event the most injurious consequences might ensue.

MR. GORST hoped that the Government would accept the Amendment.

THE SOLICITOR GENERAL said, he saw no reason why this law, which was applicable to sailors deserting in the United Kingdom, should not also apply to similar offenders in any part of Her Majesty's dominions. There could be no doubt that the Act of the Imperial Legislature would override any law



passed by the local Legislature of any colony with reference to this subject. Although this power of following and arresting a seaman was exceptional, it was necessary to enable trade and commerce to be carried on. While the captain was going in search of a magistrate, the sailor who had deserted might slip away and elude his grasp. If a man were arrested under this Bill, and could show that the arrest was unjustifiable, he could recover £20 from the person causing his arrest; while if a man were arrested under the warrant of a magistrate he would have no remedy.

MR. SERJEANT SIMON said, he had heard with amazement the doctrine that an Imperial Act would override the Acts of a Colonial Legislature. He differed from his hon. and learned Friend the Solicitor General, who, he thought, had laid down the proposition he had in terms too large. The Common Law of England would no doubt prevail in any colony where there was no existing law, and so would a statute prevail in certain cases. But where representative Government had been granted to a colony, an Imperial Act could not override the law of that colony, so long as that constitution existed. He ventured to say that if any attempt to carry out this clause were made in a colony having a Legislature of its own, where arrest without warrant was illegal, any person who arrested a man without a warrant would be liable to an action for false imprisonment.

SIR HENRY HOLLAND said, he was unable to agree with the hon. and learned Member for Dewsbury, because it had always been held that on certain Imperial questions the Imperial Parliament could legislate for a colony. At the same time, as a matter of policy, he put it to the President of the Board of Trade, whether it was desirable to enforce that change of the law on colonies which had responsible Governments, such as Canada, Australia, and the Cape? It was desirable, as far as possible, to limit Imperial laws to the United Kingdom.

SIR WILLIAM HARCOURT hoped the Government would accept the advice of the last speaker and not endorse the high Prerogative doctrine of the Solicitor General. It was exactly by such a dangerous assertion of power on the part of the Imperial Legislature that they lost their great colonies in America, and he

thought the Crown Lawyers of the present day would have profited by that experience of the past. It was both unnecessary and impolitic to raise those questions in regard to colonies having representative institutions.

SIR CHARLES ADDERLEY said, that they had already decided that that power of arrest without warrant was necessary in some cases, and, if it were abolished, he did not hesitate to say there would be no safety in the Mercantile Marine service. It had existed for 25 years without question and without abuse. The only point now in dispute was that raised by the Amendment of the right hon. Member for Pontefract, who wished to extend the words of limitation "so far as the law of the place so permits," so as to make them apply to a colony. He believed the law followed the ship, and that that would enable the shipowner to make an arrest in any part of the world under this Act. At the same time, he was willing to accept the words of the right hon. Gentleman, "except in a British possession in which the law may otherwise provide."

*Amendment agreed to.*

*Words inserted.*

On the Motion of Mr. HERSCHELL, Amendment made, in page 10, line 40, by inserting after the word "arrest," the words "in case the person arrested accepts the sum so imposed as a penalty."

MR. E. J. REED said, that as the next Amendment was of considerable importance he would propose that the Chairman should report Progress, and ask leave to sit again.

MR. DISRAELI expressed a hope that the Committee would proceed with the Bill until 1 o'clock. If they did not, he should have to ask the House to sit at 1 o'clock to-morrow.

*Motion negatived.*

MR. EVELYN ASHLEY moved, in page 10, line 41, to insert—

"Provided always, That no master or owner of any ship, nor any other person with respect to any ship, shall be entitled or allowed to proceed against any seaman or apprentice under the provisions of this section or of the preceding section, unless such ship shall at some time previously have been surveyed by a surveyor, or by a surveyor appointed by the Board of Trade, and by the committee of management of the Register of British and Foreign Shipping."



pool Underwriters' Registry of Foreign Vessels, or by some other British or foreign corporation or association for the time being approved by the Board of Trade, and shall have received a certificate of classification good for a certain period, which period shall, at the time of such proceedings, be unexpired."

The Amendment was required to protect seamen against the tyranny of masters and owners in the case of unclassified ships.

SIR CHARLES ADDERLEY thought the question could be more conveniently discussed when an Amendment of which the hon. Member for Derby (Mr. Plimsoll) had given Notice came on for consideration.

MR. PLIMSOLL recommended the withdrawal of the Amendment, in order that the subject might be fully discussed at a later stage of the Bill.

Motion, by leave, *withdrawn*.

MR. MAC IVER proposed the omission of the clause, and said, there was no first-class vessel that was not either classed or surveyed. He believed that under this clause a great deal of hardship would be inflicted on the true British sailor.

MR. RATHBONE was surprised to hear the hon. Gentleman say that all first-class vessels were classed and surveyed. To his knowledge numerous first-class ships were neither classed nor surveyed.

MR. MAC IVER asked the hon. Member to name a single first-class vessel that was not either classed or surveyed.

MR. MORGAN LLOYD said, this was a most important clause, one affecting the lives and welfare of sailors, and he should certainly go into the Lobby and vote in favour of the hon. Member's Motion to omit the clause.

SIR WILLIAM HARCOURT remarked upon the importance of the Amendment, and should also support the hon. Member who moved its omission. It was a remarkable fact that although that clause was proposed for the sake of shipowners, no shipowner in that House had raised his voice in favour of it. The large and good shipowners did not care about the clause, because they were always sure to get good men to man their ships; but it was the bad shipowners that the sailors did not like to enter into contract with, and they were constantly punished for refusing to go to sea in their ships.

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 171; Noes 121: Majority 50.

MR. T. E. SMITH moved that the Chairman report Progress, observing that it wanted only 20 minutes to 1, and that the next clause related to the unseaworthiness of ships.

MR. DISRAELI: I will not oppose the Motion, because I wish to show the House that I am sensible of the courtesy which they have always extended to me.

Motion *agreed to*.

House *resumed*.

Committee report Progress; to sit again upon *Monday* next.

# LUNATIC ASYLUMS (IRELAND) BILL.

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland.*)

[BILL 189.] COMMITTEE.

Order for Committee read.

SIR MICHAEL HICKS - BEACH, in moving that the House go into Committee upon the Bill, promised that none of the clauses which were opposed should be taken.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Sir Michael Hicks-Beach.*)

CAPTAIN NOLAN thought that the measure ought not to be proceeded with at that hour of the morning.

MR. RONAYNE moved the adjournment of the debate.

SIR MICHAEL HICKS - BEACH said, all that he asked was that the House would forward the Bill a stage, and the questions to be debated might be considered hereafter.

Motion made, and Question put, "That the Debate be now adjourned."—(*Mr. Ronayne.*)

The House *divided*:—Ayes 11; Noes 167: Majority 156.

Main-Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill *considered* in Committee.

(*In the Committee.*)

MR. MELDON said, he should move to report Progress. A Bill of this importance should not be considered at so

late an hour (twenty minutes past 1 o'clock).

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Meldon.*)

The Committee divided:—Ayes 21; Noes 119: Majority 98.

MR. MC CARTHY DOWNING moved that the Chairman should leave the Chair.

Motion, by leave, *withdrawn*.

SIR MICHAEL HICKS - BEACH, moved that the Chairman report Progress, and ask leave to sit again.

Motion agreed to.

House resumed.

Committee report Progress; to sit again upon *Thursday*.

#### SUMMARY PROSECUTIONS APPEALS

##### SCOTLAND (re-committed) BILL.

(*The Lord Advocate, Mr. Secretary Cross, Sir Henry Selwin-Ibbetson.*)

[BILL 191.] COMMITTEE.

Bill considered in Committee.

(In the Committee.)

MR. CHARLES LEWIS, referring to the opposition to the previous Bill, thought no more business should be taken. He should therefore move that the Chairman report Progress, and ask leave to sit again.

THE LORD ADVOCATE did not see why Irish Members should interfere with the progress of Scotch business.

MR. SULLIVAN said, the hon. Member (Mr. Lewis) was not an Irishman, though he had done an Irish constituency the honour of representing it. Generally the Irish Members were only anxious to assist Scotch Members in managing Scotch business according to Scotch ideas.

MR. ANDERSON said, the hon. Member for Kircaldy (Sir George Campbell), who had important Amendments on the Paper, had gone away. He wished to know if the Lord Advocate had made any arrangement with him.

THE LORD ADVOCATE said, he had not. He thought the hon. Member should have been in his place.

Motion agreed to.

House resumed.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

*Mr. Meldon*

#### ROYAL IRISH CONSTABULARY [SALARIES].

Considered in Committee.

(In the Committee.)

Resolved, That it is expedient to authorise the continuance of such part of "The Constabulary (Ireland) Act, 1874," as grants for a limited period certain revised Salaries to the Royal Irish Constabulary.

Resolution to be reported *To-morrow*, at Two of the clock.

#### TURNPIKE ACTS CONTINUANCE, &C. BILL.

On Motion of MR. CLARE READ, Bill to continue certain Turnpike Acts in Great Britain, and to repeal certain other Turnpike Acts; and for other purposes connected therewith, ordered to be brought in by MR. CLARE READ and MR. SCLATER-BOOTH.

Bill presented, and read the first time. [Bill 216.]

#### POOR LAW AMENDMENT BILL.

On Motion of MR. SCLATER-BOOTH, Bill to make better provision for the arrangement of divided parishes and other local areas, and to make sundry amendments of the Poor Law in England, ordered to be brought in by MR. SCLATER-BOOTH and MR. CLARE READ.

Bill presented, and read the first time. [Bill 217.]

#### WASHINGTON TREATY (CLAIMS DISTRIBUTION) BILL.

On Motion of MR. WILLIAM HENRY SMITH, Bill to provide for the completion of the distribution of the sums of money paid to Her Majesty by the United States of America on account of Awards made by the Commissioners acting under a certain Treaty between Her Majesty and the United States of America, ordered to be brought in by MR. WILLIAM HENRY SMITH, MR. BOURKE, and MR. ATTORNEY GENERAL.

Bill presented, and read the first time. [Bill 218.]

House adjourned at Two o'clock.

## HOUSE OF LORDS.

*Tuesday, 22nd June, 1875.*

#### MINUTES.]—PUBLIC BILLS—First Reading—

Medical Acts Amendment (College of Surgeons)\* (165); Juries (Ireland)\* (166); Registration of Trade Marks\* (167).

#### Second Reading—Endowed Schools Act (1868)

Continuance\* (109); Globe Loan (Ireland)\* (114); Railway Companies\* (111); Intestates Widows and Children (Scotland)\* (143).

Committee—Report—Gas and Water Orders Confirmation\* (70); Chelsea Hospital (Lands)\* (152).

#### Third Reading—Local Government Board's

Provisional Orders Confirmation (No. 3)\* (127); Pier and Harbour Orders Confirmation (No. 3)\* (107); Municipal Elections\*



(83); Bishopric of Saint Albans\* (160); Metalliferous Mines\* (106); Local Government Board's Provisional Order Confirmation (No. 2)\* (87); General Police and Improvement (Scotland) Provisional Order Confirmation\* (130), and *passed*.

#### REGISTRATION OF TRADE MARKS.

BILL PRESENTED. FIRST READING.

THE LORD CHANCELLOR, in presenting a Bill for the registration of Trade Marks, said, that a measure on this subject had been promised in the early part of the Session. The necessity for the registration of trade marks had become apparent some years ago, and that necessity was still more apparent now, owing to the great increase of trade and commerce. At present, great difficulty was experienced in foreign countries by British subjects in proving that a trade mark had been registered in this country, and the law of foreign countries required, for the most part, that there should be a registration. It was to get rid of these difficulties, and grant further facilities for the registration of trade marks, that this Bill was introduced. For this purpose the Bill provided for the establishment of a register of trade marks, under the superintendence of the Commissioners of Patents. The trade mark must be registered as belonging to a particular class of goods, and the first person registered as proprietor would be *prima facie* entitled to the exclusive use of such trade mark.

Bill to establish a Register of Trade Marks *presented* by the LORD CHANCELLOR; read 1<sup>a</sup>; to be *printed*; and to be read 2<sup>a</sup> on *Monday* next. (No. 167.)

House adjourned at a quarter past Five o'clock, to Thursday next, half past Ten o'clock.

#### HOUSE OF COMMONS,

*Tuesday, 22nd June, 1875.*

MINUTES.] — PUBLIC BILLS — *Resolution* [June 21] *reported—Ordered—First Reading—*Royal Irish Constabulary\* [219].  
Committee — Summary Prosecutions Appeals (Scotland) (*re-comm.*) [191] — R.P.; Infanticide [43] — R.P.  
*Considered as amended* — Friendly Societies [196]; Ecclesiastical Commissioners (Fen Chapels)\* [173].

The House met at Two of the clock.

VOL. CCXXV. [THIRD SERIES.]

#### CONSPIRACY AND PROTECTION OF PROPERTY BILL.

MR. ASSHETON CROSS: Sir, as several Questions have been put to me as to the intentions of the Government with regard to the repealing of the Master and Servant Act and the Acts mentioned in the Schedule with regard to the Labour Laws, I think it will be convenient for me to state that I find it will be more satisfactory, instead of bringing in a third Bill, to move the following new clause in Committee on the Conspiracy and Protection of Property Bill:—

(Repeal of Acts.)

"On and after the commencement of this Act, there shall be repealed:—

"I. 'The Master and Servant Act, 1867,' and the enactments specified in the First Schedule to that Act with the exceptions following, as to the enactments in such Schedule (that is to say):—

"(1.) Except so much of sections one and two of the Act passed in the thirty-third year of the reign of King George the Third, chapter fifty-five, intituled 'An Act to authorise Justices of the Peace to impose Fines upon Constables, Overseers, and other Peace or Parish Officers for Neglect of Duty, and on Masters or Apprentices for Ill-usage of such their Apprentices; and also to make provision for the execution of Warrants of Distress granted by Magistrates,' as relates to constables, overseers, and other peace or parish officers; and

"(2.) Except the Act of the session of the fifth and sixth years of the reign of Her present Majesty, chapter seven, intituled 'An Act to explain the Acts for the better regulation of certain Apprentices;' and

"(3.) Except sub-sections one, two, three, and five of section sixteen of 'The Summary Jurisdiction (Ireland) Act, 1851,' relating to certain disputes between employers and the persons employed by them; and

"II. The following enactments making breaches of contract criminal, and relating to the recovery of wages by summary procedure (that is to say):—

"(a.) An Act passed in the fifth year of the reign of Queen Elizabeth, chapter four, and intituled 'An Act touching dyvers orders for Artificers, Labourers, Servantes of Husbandrye, and Apprentices;' and

"(b.) So much of section two of an Act passed in the twelfth year of King George the First, chapter thirty-four, and intituled 'An Act to prevent unlawful combination of Workmen employed in the Woollen Manufactures, and for better payment of their Wages;' as relates to quitting service; and

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"(c.) Section twenty of an Act passed in the fifth year of King George the Third, chapter fifty-one, the title of which begins with the words 'An Act for repealing several Laws relating to the manufacture of Woollen Cloth in the county of York,' and ends with the words 'for preserving the credit of the said manufacture at the Foreign Market;' and

"(d.) An Act passed in the nineteenth year of King George the Third, chapter forty-nine, and intitled 'An Act to prevent abuses in the payment of Wages to Persons employed in the bone and thread lace manufactory; and

"(e.) Section seventeen of an Act passed in the Session of the sixth and seventh years of Her present Majesty, chapter forty, the title of which begins with the words 'An Act to amend the Laws,' and ends with the words 'Workmen engaged therein;' and

"(f.) Section seven of an Act passed in the Session of the eighth and ninth years of Her present Majesty, chapter one hundred and twenty-eight, and intitled 'An Act to make further Regulations respecting the tickets of work to be delivered to silk weavers in certain cases.'

"Provided that,—

"(1.) Any order for wages or further sum of compensation in addition to wages made in pursuance of section sixteen of 'The Summary Jurisdiction (Ireland) Act, 1851,' may be enforced in like manner as if it were an order made by a court of summary jurisdiction in pursuance of this Act, and not otherwise; and

"(2.) The repeal enacted by this section shall not affect—

"(a.) Anything duly done or suffered, or any right or liability acquired or incurred under any enactment hereby repealed; or

"(b.) Any penalty, forfeiture, or punishment incurred in respect of any offence committed against any enactment hereby repealed; or

"(c.) Any investigation, legal proceeding, or remedy in respect of any such right, liability, penalty, forfeiture, or punishment as aforesaid; and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed."

#### SURGEONS IN THE ROYAL NAVY.

##### QUESTION.

MR. SULLIVAN asked the First Lord of the Admiralty, If he has any objection to inform the House if there be any authority whereby Surgeons in the Royal Navy can be forced to serve after having tendered their resignations and having intimated their desire to leave the service; whether it is true that Dr. James Donovan, of Her Majesty's ship "Dido," then in Australian waters, having been refused leave to resign his commission,

was then denied, by Commodore Goodenough, permission to proceed to England, at his own expense, on most urgent private affairs, involving the risk of the loss of a considerable sum of money; whether it is true that this gentleman, having refused to serve in the steerage of Her Majesty's ship "Dido," there being the full complement of medical officers on board, and no cabin accommodation for him as surgeon, was arrested and suffered close arrest for more than a fortnight; and that, having forwarded to the Admiralty a statement of his reasons for leaving the station without leave, he was dismissed the service as a deserter, without trial; owing, as stated by the authorities, to the great difficulty of trying him by court-martial and the extenuating circumstances of his case; and, whether the First Lord of the Admiralty will state to the House the facts of the case and what those extenuating circumstances were?

MR. HUNT: Sir, the acceptance of the resignation of the commission of a surgeon in the Navy is in the discretion of the Admiralty, and it must be obvious to the hon. Member that officers cannot be allowed to throw up their commissions when and where they choose. Mr. Donovan, of Her Majesty's ship *Dido*, asked leave to resign his commission on the Australian station last year, and was refused. He has stated to the Admiralty that he was denied by the Commodore permission to return to England at his own expense on urgent private affairs. The Commodore has been called upon to report upon that statement, but his report has not yet been received. The facts in connection with Mr. Donovan's dismissal from the Service are as follows:—Mr. Donovan was granted leave of absence from Sydney to go and bring his wife from Melbourne. Instead of returning to his duty at Sydney, he took ship from Melbourne to England under a false name. On his arrival in this country he was apprehended as a deserter, and put under close arrest, and it was intended to send him back to the station to be tried by court-martial in the usual course. He applied to resign his commission to avoid a court-martial. This was refused. He then wrote admitting that he had deserted, and asking that his case might be dealt with early by the Admiralty, and setting out, among other matters as an excuse for his con-

duct, the inconveniences he had suffered from want of cabin accommodation, and that he had been refused leave to come home on urgent private affairs. His statements were assumed to be true, and treated as extenuating circumstances, and he was dismissed the Service.

**CITY OF LONDON — THE NEEDLE-MAKERS' COMPANY.—QUESTION.**

**MR. RATHBONE** asked the Secretary of State for the Home Department, Whether his attention has been called to the proceedings of the Court of Aldermen on the 15th of June, when that Court voted to authorize the sale, through the Needlemakers' Company, to one hundred persons, of the right for life to vote for the representation in Parliament for the city of London, at the price of twenty-five guineas for each such right to vote; and, whether, if such a proceeding is legal, he will take steps to abolish such power to sell the franchise for money?

**MR. ASSHETON CROSS**, in reply, said, that by the ancient customs of the City it rested with the Court of Aldermen to exercise visitatorial powers over the City Companies, and in that capacity they granted to the Liveries the power, when due case was made out, to fix their number. The desire to become citizens of London had very much increased of late years; and though the power referred to in the Question had often been exercised, there was no reason to suppose that it had ever been either sought for or granted for political purposes either on one side or the other. Considering the exceptional position of the City as a place of commerce, and not of residence, there were numerous persons largely interested in the City who had no means of becoming citizens except through the Livery Companies, and it was therefore not the intention of the Government at present to interfere with the ancient custom.

**EDUCATION — KIBWORTH ENDOWED SCHOOL.—QUESTION.**

**MR. A. M'ARTHUR** asked the Vice President of the Committee of Council on Education, Why the recommendation of the late Endowed Schools Commissioners for the remodelling of the Kibworth

Grammar School has not been adopted; what is the cause of the delay which has occurred since the period of the said recommendation; and, whether it is the intention of the Privy Council to adopt the scheme proposed or any other?

**VISCOUNT SANDON**: The scheme of the late Endowed Schools Commissioners for Kibworth Grammar School has not yet been adopted, because serious local objections have been, and are being raised to it, which the Committee of Council on Education is bound to consider. In all such cases it is the duty of the Committee to endeavour to effect such an arrangement between the various parties locally interested in the endowment as may give the best hopes of getting the scheme, when it is passed, satisfactorily and harmoniously worked; but to effect this desirable object it is, of course, obvious that much time is often needed. Such has been the case as respects the Kibworth scheme, which it is the intention of the Privy Council to adopt, with such modifications as possibly they may consider desirable, as soon as they think there is a good prospect of the above-mentioned object being secured.

**PALACE OF WESTMINSTER — GROUND ON SOUTHERN FRONT.—QUESTION.**

**SIR WILLIAM FRASER** asked the First Commissioner of Works, What use will be made of the space of ground recently cleared to the South of the Palace of Westminster, and whether he will lay any proposed plan upon the Table of the House before the Prorogation of Parliament?

**LORD HENRY LENNOX**: The space to which my hon. and gallant Friend alludes, to the south of the Palace of Westminster, was purchased and cleared in order to diminish the danger to the Houses of Parliament from fire. The width of it is 366 feet, and of this it is intended to rail off 150 feet nearest the buildings and keep it free. The Government have not yet decided what shall be done with the remainder of the ground, and, therefore, my hon. and gallant Friend will readily see that it will not be in my power to lay on the Table a proposed plan before the end of the Session.



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had been the habit as to the arrangement of the Business of the ensuing day. In the early part of the Sitting of yesterday a Question was put by the hon. and learned Member for Frome (Mr. Lopes), having reference to the progress of the Supreme Court of Judicature Act (1873) Amendment Bill, and no certain intimation was made by the Government; but to-day the Supreme Court of Judicature Act (1873) Amendment Bill had been put down as the second Order. He thought that many Members must have been taken by surprise when they found that the Friendly Societies Bill was down as the first Order.

MR. FORSYTH said, he was taken by surprise on finding that the Supreme Court of Judicature Act (1873) Amendment Bill was the second Order of the Day. In answer to the hon. and learned Member for Frome (Mr. Lopes) the Lord Advocate said he could not tell on what day that Bill would be proceeded with; whereupon his hon. and learned Friend said he would put his Question again next Friday. Nobody had the least idea that it would come on to-day. The Bill was interesting to lawyers; but he did not suppose there were more than three or four lawyers then in the House, all the rest being engaged elsewhere. The Bill was put on the Paper without a single minute's notice. There were many important Amendments on the Paper and they ought not to be discussed in the absence of the Bar. What would have been said if the Regimental Exchanges Bill had been put down when it was known that there could not be a fair attendance of military officers?

MR. FAWCETT, in order that the course which was now proposed to be adopted by the Government might not be drawn into a precedent, expressed his intention of concluding his remarks with an Amendment to the Motion proposed by the Secretary of State for War. He understood the right hon. Gentleman to say that the course which he had proposed was the usual course. On the contrary, he (Mr. Fawcett) thought the noble Lord the Member for the Radnor Boroughs (the Marquess of Hartington) had conclusively proved that so far from being the usual course it was entirely without precedent, and that the present Government, though they had no great

measures before the House, were making demands on the rights of private Members that had never been made before. In 1870, when three of the greatest measures ever passed became law, the late Government did not call upon private Members to give up their evenings on Tuesdays and Fridays until well on in June, and did not propose to take away the whole of Tuesdays from private Members until July 25; whereas the present Government had taken Morning Sittings in March. The impression prevalent among independent Members when they gave up willingly to the Government Morning Sittings in May was that the Government would not make the usual demands on the time of private Members in June and July. They found, however, that Morning Sittings were continued in June, and they would shortly be expected to pass a Motion which they had never been asked to pass before. In his opinion, the Government would prefer to see one or two of the Government measures sacrificed rather than the House should be denied an opportunity of discussing some of the important Motions put down by private Members. In order to test the feeling of the House, he should move, as an Amendment to the right hon. Gentleman's Motion, to substitute the words "after Tuesday, July 13," and he hoped to have the support of the hon. Members for Whitehaven (Mr. C. Bentinck) and York (Mr. J. Lowther) who had in former Sessions stood out so firmly for the privileges of private Members. He did not know whether the hon. Member for York would be permitted to express his opinion.

MR. DILLWYN seconded the Amendment.

Amendment proposed, to leave out the word "next," in order to insert the words "the 13th day of July,"—(Mr. Fawcett,—instead thereof.

Question proposed, "That the word 'next' stand part of the Question."

MR. LOPES said, he was told last evening that the Government could not say when the Supreme Court of Judicature Act (1873) Amendment Bill would be taken into Committee, and he undertook to renew the Question on Friday. He was therefore somewhat surprised to find it the second Order for the present

*The Marquess of Hartington*



Morning Sitting. The hon. and learned Member for Taunton (Sir Henry James) had an important Resolution to move, which must be moved on going into Committee. The hon. and learned Gentleman could not attend the present Sitting. He trusted the Government would not proceed with the Bill now, but would take it as the First Order at some ordinary Sitting. He also expressed a hope that the Committee would be taken before hon. and learned Members who desired to discuss the subject were called away on Circuit.

MR. W. E. FORSTER said, that they had now to consider a very important question, affecting not only the understood arrangements entered into yesterday, but the general conduct of Business during the remainder of the Session. He agreed with his noble Friend (the Marquess of Hartington) that the Government had put the House in a very unpleasant position. They were asked to give up Tuesdays to the Government at a much earlier time than they had ever been asked to do so by any previous Government. Hitherto that request had been made in the last week or two of the Session, when the House knew what measures the Government intended to proceed with. It was much to be regretted that the Leader of the House was not now present to state what the Government really meant to do. The right hon. Gentleman made a statement some weeks ago that he meant to pass all the Government measures which had been read a second time; but he could scarcely think the right hon. Gentleman was serious when he said that. Unless some information were given to the House he should be obliged to vote with the hon. Member for Hackney (Mr. Fawcett), though he should do so reluctantly, because it was a matter on which the opinion of the Government ought to carry great weight with the House. Still, that opinion ought not to be expressed until after information had been given. It would be better to allow the Motion to be adjourned in order that a statement might be made by the Prime Minister before the Motion was put that Tuesdays be given up by independent Members. This was not merely a question for the present Session, but they must take care that a new precedent was not created.

LORD ESLINGTON said, he wished to put in a plea on behalf of independent Members. The harshness and severity of Morning Sittings consisted in this—that their weight and pressure fell most upon those Members who were really willing to work in the House. Hon. Gentlemen could not be in two places at once, and he had himself on more than one occasion this year experienced the absolute impossibility of recording his votes in consequence of being present in a Committee Room upstairs. He never remembered the pressure of Morning Sittings to be so severely felt as they had been this year; and he thought it was right that this protest should be made, not as a Party matter, but on behalf of hon. Members generally. Independent Members were now asked to give up Tuesdays. Government would no doubt urge that this was necessary in order to advance the many measures they had in hand; but he wanted to know why those measures should be proceeded with in such haste? He felt that the House had a right to protest against this proposal, and he hoped the Government would assent to the suggestion which had been made and postpone the question until the Prime Minister, who managed the House with so much skill and dexterity, and, he was bound to say, courtesy, was in his place.

MR. GATHORNE HARDY said, when he came down to the House he had no idea that there would be any dispute as to the Motion which stood in the name of the Prime Minister. He did not know until very late that the Supreme Court of Judicature Act (1873) Amendment Bill was on the Paper, and he had had no opportunity of communicating with his right hon. Friend, and did not know that he would be absent. It was another matter which brought him down at the Sitting of the House. He had to apologize for the mistake he had made as to the periods of the Sessions at which, in former years, his Motion had been made, and no doubt the right hon. Gentlemen opposite (Mr. W. E. Forster), who had taken some pains on this point, was correct. He was anxious that the House should proceed to business; and, under the circumstances, he was sure his right hon. Friend (Mr. Disraeli) would be desirous of stating his reasons for the Motion. He should therefore accept the sugges-

had been the habit as to the arrangement of the Business of the ensuing day. In the early part of the Sitting of yesterday a Question was put by the hon. and learned Member for Frome (Mr. Lopes), having reference to the progress of the Supreme Court of Judicature Act (1873) Amendment Bill, and no certain intimation was made by the Government; but to-day the Supreme Court of Judicature Act (1873) Amendment Bill had been put down as the second Order. He thought that many Members must have been taken by surprise when they found that the Friendly Societies Bill was down as the first Order.

Mr. FORSYTH said, he was taken by surprise on finding that the Supreme Court of Judicature Act (1873) Amendment Bill was the second Order of the Day. In answer to the hon. and learned Member for Frome (Mr. Lopes) the Lord Advocate said he could not tell on what day that Bill would be proceeded with; whereupon his hon. and learned Friend said he would put his Question again next Friday. Nobody had the least idea that it would come on to-day. The Bill was interesting to lawyers; but he did not suppose there were more than three or four lawyers then in the House, all the rest being engaged elsewhere. The Bill was put on the Paper without a single minute's notice. There were many important Amendments on the Paper and they ought not to be discussed in the absence of the Bar. What would have been said if the Regimental Exchanges Bill had been put down when it was known that there could not be a fair attendance of military officers?

Mr. FAWCETT, in order that the course which was now proposed to be adopted by the Government might not be drawn into a precedent, expressed his intention of concluding his remarks with an Amendment to the Motion proposed by the Secretary of State for War. He understood the right hon. Gentleman to say that the course which he had proposed was the usual course. On the contrary, he (Mr. Fawcett) thought the noble Lord the Member for the Radnor Boroughs (the Marquess of Hartington) had conclusively proved that so far from being the usual course it was entirely without precedent, and that the present Government, though they had no great

measures before the House, were making demands on the rights of private Members that had never been made before. In 1870, when three of the greatest measures ever passed became law, the late Government did not call upon private Members to give up their evenings on Tuesdays and Fridays until well on in June, and did not propose to take away the whole of Tuesdays from private Members until July 25; whereas the present Government had taken Morning Sittings in March. The impression prevalent among independent Members when they gave up willingly to the Government Morning Sittings in May was that the Government would not make the usual demands on the time of private Members in June and July. They found, however, that Morning Sittings were continued in June, and they would shortly be expected to pass a Motion which they had never been asked to pass before. In his opinion, the Government would prefer to see one or two of the Government measures sacrificed rather than the House should be denied an opportunity of discussing some of the important Motions put down by private Members. In order to test the feeling of the House, he should move, as an Amendment to the right hon. Gentleman's Motion, to substitute the words "after Tuesday, July 13," and he hoped to have the support of the hon. Members for Whitehaven (Mr. C. Bentinck) and York (Mr. J. Lowther) who had in former Sessions stood out so firmly for the privileges of private Members. He did not know whether the hon. Member for York would be permitted to express his opinion.

Mr. DILLWYN seconded the Amendment.

Amendment proposed, to leave out the word "next," in order to insert the words "the 13th day of July,"—(Mr. Fawcett,—instead thereof.

Question proposed, "That the word 'next' stand part of the Question."

Mr. LOPES said, he was told last evening that the Government could not say when the Supreme Court of Judicature Act (1873) Amendment Bill would be taken into Committee, and he undertook to renew the Question on Friday. He was therefore somewhat surprised to find it the second Order for the present

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tion that the debate should be adjourned until Thursday next.

MR. NEWDEGATE rejoiced that the noble Lord opposite had assumed his proper function as Leader of the Opposition, who always ought to act in defence of the rights of the unofficial Members of this House. He had himself at the beginning of the Session urged that the House should use its discretion with respect to the character and number of measures introduced by private Members. The legitimate remedy was in the hands of the House. At the commencement of every Session due notice and information as to the character and machinery of every Bill proposed for introduction, and then on the Motion for leave to introduce, the House exercised its judgment as to whether the Bill should take its place in the Order Book. He could compare the Order Book of the House at present to nothing but a waste-paper basket turned upside down. The course taken by the Government was peculiarly inconsistent on their part, since their plea on coming into office was to bring relief to the country from excessive legislation. He was glad that the Motion for Adjournment had relieved him from the painful duty of voting against the Government.

SIR WILLIAM HARCOURT asked whether the Supreme Court of Judicature Act (1873) Amendment Bill would be proceeded with on Wednesday?

MR. GATHORNE HARDY said, that hon. Members engaged in the Courts would be in the House at 4 o'clock, and would probably like to go on with it.

In reply to Mr. M'LAREN,

MR. ASSHETON CROSS, stated that he could not definitely fix the hour at which the Sheriff Courts (Scotland) Bill would be taken. At this period of the Session it was impossible to say that they would take a particular Bill at a particular time. It was possible that the measure might be brought on later that day.

*Motion agreed to.*

*Debate adjourned till Thursday.*

#### FRIENDLY SOCIETIES BILL. [Bill 196.]

(*Mr. Chancellor of the Exchequer, Mr. Secretary Cross, Mr. William Henry Smith.*)

#### CONSIDERATION.

*Bill, as amended, considered.*

*Mr. Gathorne Hardy*

Clause 4 (Definitions).

THE CHANCELLOR OF THE EXCHEQUER moved, in page 2, after line 4, to insert—

"1. Industrial Assurance Company' means any Company, as defined by 'The Life Assurance Companies Act, 1870,' which grants assurances on any one life for a less sum than twenty pounds, and which receives premiums or contributions in Great Britain or Ireland, by means of collectors, at less periodical intervals than two months."

*Amendment agreed to.*

Clause, as amended, *agreed to.*

Clause 8 (Classes of societies).

MR. ESTCOURT moved, in page 4, line 19, to leave out "thirty," and insert "fifty," the effect of this being to allow the Societies to grant annuities up to £50. He pointed out that £50 was not now of the value it was some years ago, and that in granting the Societies this extension they were meeting only the necessities of the case. Besides, the Post Office did grant annuities up to £50.

*Amendment proposed, in page 4, line 19, to leave out the word "thirty," and insert the word "fifty,"—(Mr. Estcourt.)—instead thereof.*

SIR GEORGE JENKINSON thought that £30 would be too narrow a limit, and therefore he hoped that there would be some extension of it.

THE CHANCELLOR OF THE EXCHEQUER sympathized with both his hon. Friends in their desire to extend the benefits of the Friendly Societies; but the limit must be drawn somewhere, and, after all, this legislation was of an exceptional character. Special privileges were granted to these Societies for the benefit of a particular class of the community, and they must take care that they did not extend this special legislation further than was absolutely necessary for the purpose in view. The limit had been found generally to be convenient, and though, no doubt, some Societies would wish to extend their limits, yet he thought that, upon the whole, it would be unwise to break the limits that Parliament had already fixed. The object of this Bill was not to create a new class of Societies, but to regulate existing Societies. They also should be careful lest they trenched upon the business of Insurance Companies. He could not accept the Amendment.

Question, "That the word 'thirty' stand part of the Bill," put, and *agreed to*.

Clause 10 (The registry office).

MR. MELDON moved, in page 5, line 9, after "registrar," to insert "and the assistant registrar for Ireland." He said, as the Bill was originally framed, the Assistant Registrar for Ireland was merely an Assistant of the Registrar for England. When in Committee upon the Bill, however, the Chancellor of the Exchequer made some concessions, and made the Assistant Registrar in Ireland the Irish Registrar, and granted an appeal to the Courts of Ireland. The Assistant Registrar had, therefore, important duties, and he proposed that he should be a barrister of not less than 20 years' standing. That would put him in the same position as the English Registrar, and he considered they ought both to be put upon the same footing.

Amendment proposed, in page 5, line 9, after the word "registrar," to insert the words "and the assistant registrar for Ireland."—(*Mr. Meldon*.)

THE CHANCELLOR OF THE EXCHEQUER said, he thought great inconvenience would be caused if the Amendment was adopted. It would be inconvenient to cut themselves off from the chance of appointing to the office of Assistant Registrar in Ireland a gentleman who was a solicitor. He did not think it was quite reasonable that the hon. and learned Gentleman should insist that in every particular the Registrar and Assistant Registrar should be placed upon an absolute equality.

SIR JOSEPH M'KENNA quite agreed with the observations of the Chancellor of the Exchequer, and hoped the Amendment would be withdrawn.

Question, "That those words be there inserted," put, and *negatived*.

MR. MELDON moved, in page 7, line 3, at end to add the following sub-section:—

"10. All notices, requisitions, certificates, acknowledgments, returns, and documents which by this Act are required to be served, made, given, furnished upon, by, or to the central office or chief registrar shall, in the case of Societies registered in Ireland, be served, made, given, and furnished to the Assistant Registrar for Ireland."

THE CHANCELLOR OF THE EXCHEQUER said, he thought it better that this matter should be relegated to the Treasury. The matter was purely one of procedure, and could best be determined by the Treasury.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 11 (Registry of societies).

THE CHANCELLOR OF THE EXCHEQUER moved, in page 7, sub-section 4, line 20, after "thereof," to insert—

"If the rules thereof contain distinct provision for meeting all claims upon the Society existing at the time of division, before any such division takes place."

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 12 (Cancelling and suspension of registry).

MR. MELDON moved, in page 8, line 23, after "registrar," to insert "or in case of a Society registered in Ireland, the assistant registrar for Ireland." He wished to acknowledge the great care which the Chancellor of the Exchequer had bestowed on the Bill, which would prove of great advantage to the public, and probably be the most useful measure of the Session. But that advantage would be lessened if, while Societies in Ireland were allowed to be registered by the Assistant Registrar, with an appeal to the Courts, when the slightest matter of detail arose the authority of that officer was ousted, and that of the Chief Registrar invoked. Suppose all the members of the Society wished to dissolve, why should not the man who was competent to deal with its registration be competent to deal with its cancellation? He thought that it would involve much inconvenience and expense if it was necessary that those interested in Irish Societies should come over to England to get the cancellation of their Registrar.

Amendment proposed,

In page 8, line 23, after the word "registrar," to insert the words "or in case of a society registered in Ireland, the assistant registrar for Ireland."—(*Mr. Meldon*.)

Question proposed, "That those words be there inserted."

THE CHANCELLOR OF THE EXCHEQUER begged to tender his thanks to the hon. and learned Gentleman for the manner in which he had spoken of the mea-



sure, and also for the spirit in which he had discussed the various Amendments she had moved. He was sorry he could not accept the present Amendment, as it would probably lead to confusion. It was very undesirable that there should be two authorities; it might lead to conflicting decisions, and a difference of action between one part of the Kingdom and another. He thought that the hon. Member had exaggerated the inconvenience which would be felt by those who might be required to come over to this country to obtain the cancellation of an Irish Society's register.

SIR JOSEPH M'KENNA said, he could not understand why the Assistant Registrar in Ireland should not have the power to cancel the register of a Society registered in Ireland. The decisions of the Assistant Registrar would be subject to revision and reversal before the Courts of Law in Ireland, just as the Chief Registrars were to be subject to the revision of the English Courts, and this being so there could be no well founded complaint against the competency of the Assistant Registrar to give a decision which was subject to appeal if it was not accepted.

MR. BUTT said, it was a great injustice to the Irish people that they should be compelled to go to the trouble and expense of bringing these cases on appeal to the Court of Queen's Bench at Westminster, instead of in the Irish Court.

MR. O'SHAUGHNESSY supported the Amendment. If it was not adopted the Act would become a dead letter in Ireland.

MR. GREGORY said, the Chancellor of the Exchequer might, with propriety, adopt the Amendment. It would be very expensive and a great hardship that the Irish Societies should have to come to England to have their certificates cancelled.

SIR MICHAEL HICKS - BEACH pointed out that the Amendment, if adopted, would allow the Assistant Registrar to go beyond his proper functions, and that he might override the decisions given by the Chief Registrar. The case, as regarded Societies in Ireland alone, was met by another clause of the Bill, which gave the Chief Registrar power to delegate certain of his functions to the Assistant Registrars, and the cancellation of registry of So-

cieties confined to Ireland was a duty which might be most properly so delegated.

MR. E. STANHOPE said, that in dealing with the cancellation of certificates it was desirable it should be done on some uniform and intelligible principle. It would be better to agree to the clause, and give an appeal from the Chief Central Registrar to the Irish Court of Queen's Bench.

MR. DODSON said, the difficulty must be got rid of by introducing into the Amendment the word "exclusively" registered in Ireland.

SIR JOSEPH M'KENNA said, the word "exclusively" would be liable to misconception.

MR. W. HOLMS said, it would be only making the Bill uniform by giving the same power to Ireland that was to be extended to Scotland.

THE CHANCELLOR OF THE EXCHEQUER said, he was desirous to meet the views of the hon. Member, and, if the Amendment was withdrawn, he would move that the power desired by the hon. Member to be placed in the hands of Assistant Registrars should be so placed in the case of Societies registered in Ireland or Scotland exclusively.

Amendment, by leave, *withdrawn*.

Amendment (Mr. Chancellor of the Exchequer) agreed to.

Clause, as amended, *agreed to*.

Clause 14 (Duties and obligations of societies).

MR. MELDON moved, in page 10, line 4, after "office," to insert "in every country where such Society is registered or recorded."

THE CHANCELLOR OF THE EXCHEQUER said, he thought the Amendment unnecessary, the object of the hon. Member being practically met otherwise in the Bill.

Amendment, by leave, *withdrawn*.

THE CHANCELLOR OF THE EXCHEQUER moved an Amendment with regard to auditors. When the Bill was in Committee a proposal was adopted requiring that the names and addresses of the auditors should be sent up to the Registrar, and published by posting a notice in the lodge or board-room of the Society, if any, three months before the period of audit. Since this proposal was embodied in the Bill he had re-



this question they were libelling any class of their countrymen. They were not to look at that; what they had to consider was simply whether the legislation was right or wrong. The principle underlying the law in this question was that if you had anything to gain by the death of a person you should not insure the life; for, it was held, by going contrary to this principle the person having an interest in the insured was placed in a position of temptation. The temptation became greater as the person became poorer, and the insured was of a tender age and without power to protect itself. But if the House had determined on one thing, it was for the House to say whether it could alter its opinion.

LORD ESLINGTON said, the recommendations of the Commission were mainly based upon the figures supplied by the Societies; but since the Commission closed its labours the Royal Liver Society had cut the ground completely from under the feet of the Commission. That Society had actually proved, by a laborious investigation, that the percentage of deaths of children insured in that Society was very much less than the percentage outside it. He rejoiced to hear that the Chancellor of the Exchequer was resolved to adhere to the wise decision at which the Committee had arrived.

COLONEL MURE observed, that before the Royal Commission respecting factory operatives, a considerable amount of evidence was adduced to show the reckless manner in which the lives of children were frequently sacrificed. He believed that a large number of hon. Members had serious misgivings as to the course which Parliament was now pursuing in regard to the sums to be paid on the death of children, and hoped that the hon. and learned Member for Salford (Mr. Charley) would take a division on his Amendment.

DR. C. CAMERON said, the Amendment would not impose any disability upon existing Friendly Societies; it would only prevent new Societies which might spring up hereafter from embarking in the branch of business to which objection was taken.

SIR JOSEPH M'KENNA pointed out that if children were killed for the sake of the insurance on their lives, the Societies themselves would find the busi-

ness unprofitable and discontinue it. He could not at all entertain the suspicion that the societies which were interested in the lives of the children could permit themselves to be defrauded by individual members in the manner alleged.

MR. W. HOLMS observed, that a stigma would be cast upon the working classes if the privilege they now enjoyed in respect to insurance were restricted. As to the Report of the Royal Commission on this subject, he must say that he had seldom seen any Report in which conclusions so remarkable were drawn from such a narrow area of observation. They referred to the infant mortality of Liverpool, where Burial Societies were numerous. No doubt it was excessive in that town; but it was equally great in Glasgow, to which they did not refer at all. In both those cities the excessive infant mortality arose, he believed, from causes of a sanitary character.

MR. DODSON recommended that the House should not be put to the trouble of dividing, but negative the Amendment at once.

MR. MUNTZ hoped the Chancellor of the Exchequer would stand by the proposal in the Bill.

MR. LYON PLAYFAIR said, he served on a Commission which inquired into the state of large towns in Lancashire some years ago, and they were greatly struck with the increased number of deaths amongst children who had been insured in Burial Societies, as compared with those who had not been insured at all; and they urged upon the Government to take some steps to prevent the evil. He was prepared to support the Amendment, which did not cast any stigma upon the Friendly Societies, as it proceeded on the same lines as the Gambling Act of the last century, which still prohibited insurance on a life upon which a direct pecuniary interest did not exist.

Question put, "That those words be there inserted."

The House divided:—Ayes 54; Noes 286: Majority 232.

SIR EDWARD WATKIN moved, in page 31, line 12, to insert, "and the sum charged by the registrar of deaths for such certificate shall not exceed one shilling."

Amendment agreed to.

## Amendment proposed,

In page 30, line 36, after the word "pay," to insert the words "any sum of money on the death of a child under six months of age, or shall insure or pay."—(*Mr. Charley.*)

MR. HOPWOOD said, he hoped the Government would stand by the decision which was adopted on the last occasion.

MR. ALEXANDER BROWN said, he could see no reason why the Amendment should not be accepted.

SIR WALTER BARTELOT said, he thought the proper limit was £3, and he was very much surprised when the right hon. Gentleman had given way on that point. This was a minor proposal, but still it was one of great importance. He was quite sure there was a feeling abroad that something ought to be done with regard to burial money for infants. The evil would be partially met if the Amendment were accepted, as he sincerely hoped it would.

SIR EDWARD WATKIN said, he thought the Chancellor of the Exchequer had made very wise concessions on this point, and they had been most gratefully received by the working classes. He regretted that the poor people of this country had been so grievously libelled. What right had anyone to suppose that they would be tempted to murder their children for the sake of obtaining £6? Why did the House not stop fire insurance because some people burnt down their houses, or marine insurance because ships were sometimes scuttled in order to obtain the insurance money? He trusted that the Chancellor of the Exchequer would remain firm on this point, and not accept the Amendment.

MR. HENLEY also thought the Chancellor of the Exchequer had acted wisely in the concessions he had made. The Amendment was a retrograde movement. A nasty suspicion had been raised, but no evidence had been published by the Friendly Societies Committee that could justify it. If there was any real suspicion a Commission ought to be issued specially to inquire into it. It reminded him of the Dutch, who at one time first hanged the pirates and tried them afterwards. There was no evidence in support of the suspicion that poor children were neglected or "put away" for the sake of enabling their parents or those who had charge of them to get the insurance money. From a

Return lately presented in the House of Lords, it appeared that the mortality of children under five years of age in Liverpool was about 43 per cent on the average of the years in the Return, whereas in the evidence of the Friendly Societies Commission the deaths in a burial society at Liverpool were only 50 per cent up to 10 years of age. He, for one, hoped the Chancellor of the Exchequer would not give way. It would be perpetrating injustice against a large number of our countrymen without any proof whatever that they deserved the stigma. He had a strong feeling in the matter, and he could not help thinking it sad that they should seem to countenance this reflection on the humbler classes of their countrymen without proper inquiry.

THE CHANCELLOR OF THE EXCHEQUER said, he thought the House ought to be guided to a great extent by what had already passed on the subject. The question had created a great deal of interest, and had excited a great deal of discussion when the Bill was in Committee, and the decision then arrived at was viewed as a settlement as far as the present Bill was concerned. Under these circumstances, whatever might be his own feelings with regard to the Amendment of the hon. and learned Member for Salford (*Mr. Charley*), he did not think it would be wise to press the House to adopt it. Great care and watchfulness were required with regard to the lives of infants. He did not mean to say that the parents of England were chargeable with the abominable crime of destroying their children for the sake of obtaining a small sum of money, but there were many children of tender age that were not sufficiently cared for; he particularly alluded to the cases of baby-farming and illegitimate children. The question under discussion was whether further precautions ought to be adopted to prevent the mischiefs which happened under the Friendly Societies Acts. The proposals made by the Royal Commission were of a very drastic character, and those proposals had been abandoned so far as the present Bill was concerned, but he believed that those which had been adopted would be efficacious in checking abuses, and did not think it desirable to go one step further. He should, therefore, oppose the Amendment.

SIR HENRY JAMES protested against the idea that in legislating on

should oppose the Amendment on the ground that he had in this Bill followed the lines of the County Court in this country. It appeared to him that in legislating for Scotland they ought to consider what was desirable and necessary for that country, irrespective of what might be the case in England.

MR. ANDERSON said, he hoped the Lord Advocate would concede something on this point, because while he was not sure 14 days was the right period, yet he was quite certain 3 days was too short. He suggested that 7 or 10 days might be allowed.

THE LORD ADVOCATE said, it was very desirable to bring to a point as soon as possible whether there was to be an appeal or not, and as no inconvenience had arisen from the working of the English County Courts Act, he must oppose the Amendment.

*Amendment negatived.*

*Clause agreed to.*

It being now ten minutes to Seven of the clock, Committee report Progress; to sit again *this day*.

And it being now Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

#### ORDNANCE SELECT COMMITTEE.

##### RESOLUTION.

MR. HANBURY TRACY rose to call attention to the present description of heavy guns as supplied for the Navy and for Fortifications, and to move—"That, in the opinion of this House, it is advisable the Government should re-appoint the Ordnance Select Committee." He said: Mr. Speaker—In rising, Sir, to call attention to the subject of which I have given Notice, I cannot but be aware that the House will feel that this is a matter of a somewhat technical character, and I know that to many Members it must appear dry and somewhat uninteresting; but whenever the question of Ordnance has been brought forward, this House has always accorded it full and ample discussion. Perhaps, Sir, at no time has it been so necessary as at present that we should take care that we have the very best guns that it is possible to obtain. If we look around us, and bear in mind

the results of the late Continental war, we shall find that the importance of artillery has increased very greatly. It has been shown unmistakably that any inferiority in artillery is absolutely fatal, and in a small force like our Army such a defect would be aggravated a thousand-fold. In the Navy we have lately been placing in ships, costing from £250,000 to £500,000, a very diminished number of guns—in many cases not more than from four to six. And when we consider this, we must all look upon it as a question of the most vital importance, that guns so limited in number should be thoroughly efficient, that they should be guns selected by officers thoroughly competent, thoroughly unprejudiced, and thoroughly unbiased. I think, Sir, therefore, that I am right in assuming that I may lay down the fundamental principle, that it is essential in this country that we should have thoroughly efficient guns; the best obtainable for accuracy of fire, for safety, and for simplicity; and that we ought to have them regardless of cost. We have, Sir, lately heard a great many statements of a pessimist character, from gentlemen who seem to look upon everything foreign as being perfect, and everything English as being bad. We have heard statements and theories of a most extraordinary character. We have passed through a little gunnery panic. We have had a score or two of inventors bringing forward their various theories and inventions, many of which have long ago exploded, but for which they have succeeded in finding new adherents and new sympathizers. Sir, we have heard within the last four months that our whole system is wrong. We have heard that our construction is wrong, that we ought to have steel guns rather than wrought iron; and breech-loaders rather than muzzle-loaders; and that we ought to have a different mode of rifling. It seems to me that it would be far better if the official restraint which is put upon those officers who are acquainted with the subject were sometimes removed, and that we should occasionally have some statements contradicting these assertions and showing their absurdity. As it is, the public mind becomes agitated, and we are in great danger occasionally of rushing into useless experiments and wasteful expense. I think we ought to limit this



discussion entirely to heavy armour-piercing guns, because if we mix up field guns and great guns we shall be talking of totally different things. The debate which took place in this House a few months ago appeared to me to labour under that difficulty. Every artillerist knows that you cannot discuss a field gun as you would a great gun. You have enormous weights to move, and it is quite possible that the rifling that will do for one gun will be totally wrong for another. Therefore, as far as I can, I will limit this discussion to armour-piercing guns. I have carefully examined all the statements which have been made, and I hope I have thoroughly looked up all the authorities on the question; and, although it is some years since I was a gunnery officer, I hope my opinion will not be found unworthy of consideration. Well, Sir, I cannot help thinking that nearly all these adverse statements are wrong. I am quite certain that, so far as our heavy guns are concerned, comparing them with those of foreign nations, we have as safe a gun, as accurate a gun, and as durable a gun, as there is on the whole of the Continent. But when I say this, I do not wish for one moment to make it appear that our guns are perfect. I know there are many things still required. In the artillery experiments, which are going on daily, we see what improvements may be made. Nor do I think it is possible to put an end to gunnery inventions. We all know that inventions in gunnery come upon us day by day. We must look forward; and while I am anxious to show that our present system—so far I can see—is right, I do hope that we shall take especial care to continue in the right way, and not allow our system to go backwards. My principal object is to press upon the Government the great necessity of appointing an Ordnance Standing Committee of a judicial character, properly constituted, before whom all experiments might be sent; in whose impartiality and well-known scientific attainments the country would have confidence, and with regard to whom inventors would feel that they were dealing with a Committee thoroughly capable and impartial, which would look well into the whole of their proposals. We have—after a most elaborate, most careful, and most painstaking

inquiry—decided on a certain system. We have on that conclusion—be it right, or be it wrong—spent a large sum of money, amounting to no less than £4,000,000, in arming our ships and forts, and placing ourselves in the highest state of efficiency. We have spared no money to arrive at this state; and I believe I am correct in saying that at the present moment we have nearly reached a point when we have sufficient guns of the newest pattern and latest calibre to arm the whole of our forts and our entire Navy. Then, Sir, at this point, when we have arrived so near completion, and when we have spent no less than £200,000 in experiments, and £4,000,000 in arming ourselves, we are quietly told that our construction is wrong; that we ought to have breech-loaders instead of muzzle-loaders; and that our rifling is wrong. Well, Sir, it seems to me that very many of these statements which appear daily in the papers, in lectures, and in letters to the public Press, show of themselves the great necessity of having some standing body—some Ordnance Council—before whom these people may be sent, and which would in that way act as a buffer between the Government and inventors, and, indeed, between this House and the inventors. We must remember that in this matter we have been entirely unfettered in our choice. We have had no political or economical reasons to mar our judgment; and if our artillerymen have not got the best guns, all I can say is that they ought to have them. And, looking at the reiterated opinion of all our great artillerists, I cannot help thinking that, if we are wrong, the onus lies upon those who say so to prove it. There is no doubt that inventors are a very peculiar species. They are a most irrepressible class. I know cases in which inventors have come before the late Ordnance Select Committees. They have obtained trials of their inventions. Those trials have gone on for years, and the country has been put to enormous expense; and then when it has been shown that their inventions are useless they have quietly gone home, made some small alteration, and have come before the Committee again and said—“We have entirely altered this; will you try it again?” Naturally officials are sceptical in such cases, and many inventors are now going

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about in that position. They have had their schemes tried, but because they think they have entirely altered and remodelled them, they come forward again and ask for new trials. They are your principal complainants; they are the people who say you have not got the right gun, and they are the people who try to overthrow and upset the whole of your system. In regard to Ordinance Select Committees, I find on looking back to the year 1797, that it was in that year we had the first Committee which sat off and on until the year 1855. In that year the Duke of Newcastle decided that that Committee was of too military a character, and not sufficiently scientific. He thereupon appointed what is generally called the first Ordinance Select Committee; a committee composed of the Director General, the Naval Director General, heads of Departments, a Lieutenant Colonel, a Captain of Royal Artillery, Officers of Royal Engineers and two civilians. Unfortunately this Committee did not work very well together. No doubt they went through a great many experiments and did a great deal of good; but I believe, Sir, it is generally admitted that the great stumbling block in the way of that Committee was, that you had too many officers upon it—officers who had other duties to perform, and who could not spare the full amount of time which was necessary to devote to that Committee. And, again, there was another reason. You had on that Committee the permanent heads of all your manufacturing Departments. Now it is well known that when an inventor comes before a Select Committee, or a judicial tribunal of that kind, and finds upon it a number of gentlemen whom he regards as rival manufacturers, he naturally thinks that they will not give him a fair and impartial trial. I know, of course—and it has been said to me many times—that our officers are quite unprejudiced. “You must remember,” it is said, “that our officers have nothing whatever in common with the manufacturers. They are paid their ordinary pay, and they have nothing to make by it. They are therefore thoroughly unprejudiced and unbiassed; and the honour of a British officer is far above any sort of petty jobbery or petty spite or prejudice.” But I confess I think the manufacturers and inventors have a fair claim when they say—“Will

you let our inventions go before a tribunal which is thoroughly unprejudiced in our eyes. Do not let us have any men on the Committee who are heads of manufacturing establishments.” I do not say I fully share that view, but I know it is a view expressed by very many inventors; and I think it is our object and the object of the Government that every inquiry should be not only full and impartial, but that it should be so considered by those who have to go before it. Well, Sir, in 1859 that Committee was abolished, and another Ordinance Select Committee was appointed of a more limited character, and the heads of Departments were not placed upon it or even attached to it. That Committee sat until the year 1868. They did very great good; but unfortunately the heads of Departments not being in some manner connected with the Committee, they were not consulted in the manner they ought to have been, and became to a certain extent antagonistic. Unluckily, this Committee, to whom we are certainly indebted for nearly all the experiments which have taken place, and, indeed, for having brought us to our present position, seem to have become inventors, and directly they became inventors they naturally lost confidence and became a far less judicial tribunal. In 1868, the Secretary of State for War, Sir John Pakington, now Lord Hampton, thought we had had experiments enough, and that we had come to the time when all those experiments should be made of some use. He thought that, although we had had Blue Book after Blue Book, and experiment after experiment, our armament was entirely in a state of inefficiency, our stores, scattered throughout the world, were all different, and it was absolutely necessary to take some determined stand against all this. He abolished the Ordinance Select Committee. His view seems to have been—“You have now got to that point when it is absolutely necessary to appoint a dictator. You must appoint some man who will carry out your decisions. You must have all your ordinance the same, and you must have all your stores throughout the world on a similar footing.” So General Lefroy was appointed. Soon after that the Conservative Government went out of office. Then Lord Northbrook's Committee sat, and great alterations were made. Amongst other changes, the



duties of Director of Ordnance and Superintendent of Stores were handed over to General Sir John Adye. Sir John Adye has had an enormous amount of work to do since that time. It would be presumption on my part to praise so high an official; but I am sure that anybody who has had any dealings with that officer must be well aware of the great care and the great pains he has taken to bring our armaments into a state of efficiency. He has appointed under him officers of great efficiency—officers well up in the experimental department. He has kept at Woolwich three officers—Major Anderson, Major Noble, and Captain Jones—who are well versed in everything that took place under the Ordnance Select Committee, and these officers he has appointed secretaries to small sub-committees. He has, I believe, at the present moment, no less than nine small sub-committees enquiring into different matters. That system undoubtedly has worked very well so far. You have had a man who has been Dictator. He has said—"I am put here to carry that system out, and I will carry it out. I am prepared to go through every experiment, to look at every invention, and to have it thoroughly investigated. I will appoint sub-committees of competent men, who shall examine into all these different things." He has had an Explosive Committee, a Great Gun Committee, and numerous other Committees. But, Sir, whilst that has answered very well, I doubt very much indeed whether it is a permanent institution. I doubt whether what we have seen lately is not the first beginning of an agitation in which we shall soon find ourselves involved. We shall have inventors coming to the door of this House and to the public Press maintaining that our system is wrong. We have seen at this door inventors complaining daily, and asking Members of the House to go up to their own houses to look at inventions which they say have been refused a fair trial. I do not think that is a satisfactory state of things. Then, again, I would ask, is it fair to the heads of your manufacturing departments that they should be divided into these small sub-committees, and asked to devote their time to other matters than their own duty; to spend a great number of hours in investigating questions, no doubt of great importance, but questions

far apart from their manufacturing business, and questions which ought not to come immediately under their cognizance? I know, of course, that these gentlemen do their duty, but many of them must do it grudgingly. They know that this is hardly their duty, and you cannot get that full amount of investigation and care which you would get if you had a Council or Select Committee whose sole duty it was to go thoroughly into each of these matters. Sir, as I have already said, I do not wish in any way to make the slightest reflection upon Sir John Adye. I know he has done everything he possibly could do, and has carried out the experimental branch as far as practicable. I would suggest that if you have a Select Committee you should appoint two civilians. I have been told by gentlemen in manufacturing districts—"Oh! these inventors receive no fair play. Your officers were all prejudiced. What you want is some mechanical engineer to inquire into the matter." I have endeavoured to explain the absurdity of this, but I have said at the same time, "there cannot be any objection to having one or two mechanical engineers of the highest standing on such a Committee." If you appoint two engineers of great standing, far above any petty clique, or any petty prejudice for or against any one inventor or other, I am quite sure you will be doing not only great good to the officers of the Committee, but what would be only just and fair to the inventors and country at large. It may be said that you would not be able to get these engineers; but I cannot help thinking that if you paid them tolerably well you would get them. Of course, you must pay them. A Select Committee must be well paid, but it will be comparatively a very small amount. We talk of the expense of an Ordnance Select Committee when they are investigating cases costing thousands of pounds. If you fire a 38-ton gun only once the charge is £10; and that is only a small case. You can waste thousands of pounds in a very short time, and unless you have thoroughly competent men to deal with these experiments you will waste a great deal more with unsatisfactory results. The principal reason for asking for this Committee is this:—you have spent £200,000 in experiments, and £4,000,000 or nearly so in arming yourselves. It

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is quite possible that if you are not careful, you may find yourselves suddenly obliged to undertake some great alteration. You may, whether you like it or not, have changes thrust upon you; and you may be in that unfortunate position which I remember we were placed in a few years ago, when we were told by hon. Gentlemen in this House—"Oh! America is the country that you ought to get your guns from. They have gone through a great war; they have seen what guns are fit to do; and they are far better judges than we are." It is well known how that resulted. We unfortunately spent a good deal of money in proving and trying a 15-inch gun, and the result was nil. Since that we have had a very interesting Report issued, and in which the Committee of the Senate and Congress of the United States tell you what they consider had been the result of their own ordnance. I only mention this because it shows what had been done in a case of panic, and what may occur again unless you have some judicial tribunal before whom these matters may be placed. In that Report to Congress, dated February 15, 1869, they say that—

"Each system of guns introduced into our service . . . has failed when submitted to the real test of service; that 'experience had shown them to be inferior in range and penetration to the guns of foreign Powers, and unreliable as to endurance.' 'That the Rodman system of gun-making, while partially successful in smooth-bores and small calibres, has so far failed in rifles of large calibre as to show it to be unworthy of further confidence. Recent improvements in defensive works and armour-plating render heavy rifled guns the most efficient means of attack, and no system of fabrication which does not furnish such guns should be adopted or continued.' That 'the present system' of procuring ordnance 'has failed to answer the purpose for which it was designed, and the United States is in the position to-day of a nation having a vast coast-line to defend and a large Navy without a single rifled gun of large calibre, and a corps of ordnance officers who have thus far failed to discover a remedy for the failure of the guns, or to master the rudiments of the science in which they have been trained at the public expense.' 'In the operations upon Morris Island,' says the Report, '22 large guns was the greatest number mounted at one time, yet 50 in all burst during the siege, as is shown by the evidence of General Gillmore. In the attack on Fort Fisher all the Parrott guns in the Fleet burst, according to the report of Admiral Porter. By the bursting of five of these guns at the first bombardment, 46 persons were killed and wounded, while only 11 were killed and wounded by the projectiles from the enemy's guns during the attack.'"

I think that is very important as showing how entirely fallacious some of the arguments are—of a pessimist character, which we often hear against our system. I have looked through *Hansard* and found speech after speech praising these American guns, and I think only one Gentleman, the hon. Member for Reading (Mr. Shaw Lefevre), expressed grave doubts on the subject and said he believed that we were right, and the Americans wrong. But notwithstanding his speech, the Government of the day were forced into expenditure to get a certain number of these guns, and trials of them were made. If this Committee is appointed, in order to overcome the difficulty of heads of Departments being permanently attached to the Committee, and so being to a certain extent rivals of some inventors, and at the same time in order to enable you to have the great benefit which must be derived from having the opinions of officers of so much authority and so much practical knowledge of the different subjects before you, I would suggest that you should attach to the Committee your different heads of Departments, but that they should not be permanent officers of the Committee, but *ex officio* members without a vote. I think if you did that you would avoid any difficulty. Now, let us see how far I was right in saying that I believe we have as good a gun as there is to be found on the Continent. I do not, as I said before, move for an Ordnance Council, because I think our guns are bad, and that therefore there must be a Committee of Inquiry; but I do so because I believe our guns to be on a very proper system, and I think we ought to have a Select Committee in order to maintain and expand that position. We have been told—"You must be wrong. Look abroad. Every foreign country has a different system from yours. Every foreign country has adopted steel guns. Every foreign country, or nearly all the principal ones, have adopted the Krupp guns." Well, Sir, I have gone into this matter, and I believe I am right in saying that in Italy they have got our guns; they have them in Spain, in Holland, in Denmark, in Norway, in Portugal, in Egypt, in the Turkish Navy, in Chili, and in Peru they have them. Of course, I shall be told—"Oh, but you have left out the four great countries, Germany.

Russia, France, and Austria." That is quite right. No doubt, those four countries have adopted a different system from ours. But first of all, I believe I am right in saying that France does not agree with the other three any more than with us, and, as for field artillery, has at present come to no determination. At any rate, whilst many of her officers would like muzzle-loaders, she knows that there is such a strong feeling in favour of what is called the successful gun on the Continent, that she must keep a breech-loading gun. Austria at the present moment is in a most awkward position. They cannot come to any conclusion whatever, and do not know whether to adopt the Krupp, or some other gun. In Germany, undoubtedly, you have got the Krupp gun, but you must remember that in Germany you have no other manufacturer as against Krupp. Essen is the great national establishment. It has been the aim and ambition of Germany for many years to make a great national arsenal. They have fostered it, and have done their utmost to make Krupp the great national gun factory; but, although during the late wars they had considerable experience of field guns, they have as yet had no experience in heavy guns. But the Krupp has the name of being the successful gun on the Continent. Germany is fostering it, and undoubtedly they have produced some very good guns. What is our construction? Our construction, as is well known, is obtained from Sir William Armstrong. His plan has been adopted and carried out, of bars of wrought iron laid one on the other and welded together, so that all the parts bear an equal strain. That system has been modified by alterations from Fraser, from Sir William Palliser, from the French system, and from other sources. The merit of our construction—the construction of our present Woolwich gun—is that it gives us what we may look upon as a leathery gun. It is a gun which is a safe gun. It is different from the steel gun in so far as it never bursts explosively, and long before it can burst you are made aware by a slight crack that something is wrong. But no gun we have had in service has burst. In Germany, however, we have records of many of these steel guns bursting. You know that steel guns have burst continually, and that havoc and consternation

has been spread around wherever that happened. I think we ought to lay very great stress upon the advantage of having a safe gun. I have read just now a quotation from a report to Congress mentioning the large number of guns which burst during the American Civil War. Sir, I do not think anybody connected with the Navy or with fortifications would dream of putting any gun into a ship or fort if they had the slightest idea that it would burst. I cannot imagine anything more dreadful or more fatal to steadiness than a captain of a gun feeling he had a machine to work, in which he had not complete confidence. For although 99, as Lord Cardwell said the other day, out of 100 were sound, yet if the hundredth burst it would be a blot on the whole system. On board ship, if a gun burst not only would it do an immense deal of harm on board that particular ship, but the alarm would spread like wild-fire through the Fleet; and I am sure that the Admiralty responsible for the construction of such a gun would rue the day. But I shall be told, of course—"Oh, but steel is yet in its infancy, and in due time these guns will take a place in our armaments." I do not doubt that steel is in its infancy. No one can doubt that steel is gradually assuming large proportions. We are gradually using steel for boilers; by-and-by we shall doubtless have steel armour-plates, steel plates for ships; and steel will take a large position in shipbuilding operations. That may be true, but at the present moment steel has not arrived at that stage. It is true that Sir Joseph Whitworth states that his compressed steel is beyond all doubt the metal of which you ought to make your guns. But I am told—and I think I had it from Sir Joseph Whitworth himself—that he is not yet prepared to make large guns of that metal. I say that with diffidence, because I am not quite certain; but of this I am confident, that up to this moment no heavy gun like our heavy ordnance has been made of compressed steel, which has been thoroughly proved and tested. I do not for one moment wish to cast the slightest imputation or doubt upon Sir Joseph Whitworth. He is a great mechanic, and what he says he will do, I have no doubt he will eventually carry out. Still, for a number of years we have heard a great

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deal of compressed steel and of yellow and homogeneous metal, without ever hearing of its obtaining a market value. Are there any guns of steel which you could be perfectly certain would not burst when they are made? Krupp guns undoubtedly are of steel; but Krupp has lately been obliged to strengthen even his smallest guns with steel hoops, and Krupp has never allowed his guns to be proved in the same way that ours have been proved. We prove our guns as we do our boilers—with a large surplus charge; but having made great inquiries I find that on the Continent practically they are not proved at all. In the Mediterranean Fleet I made inquiry, and I have been unable to find any single officer who had ever seen German guns fired at a target. I understand that in Russia they actually will not allow these large guns to be proved. They have now obtained from this country two testing machines that test guns by hydraulic power up to seven or eight tons to the square inch; but it is well known that we prove our guns up to 30 tons, and sometimes even up to 60 tons. I think this will show that however much Krupp may have succeeded in making his guns sound, he has not succeeded in making them sufficiently sound to give entire confidence either to himself or the Germans; and certainly in Russia, where they make a similar gun, they have not shown the same confidence that they would have done if they had proved them in the same manner that we do. And now, Sir, I shall be told—"That may be all very well. You may have a very safe gun; you may have a gun which has never been known to burst on service; but you ought to adopt the breech-loader. Why adopt the muzzle-loader? The muzzle-loader is, of necessity, a very slow means of firing; and you want a rapid fire. You want guns that you can load quickly, and which will be under cover." I find that on the question of rapid firing popular opinion is in favour of a breech-loading gun. I am told that the great aim of the breech-loader is to enable you to have rapidity of fire. In discussing this question I have alluded solely to heavy guns. We must remember that we have not got here a small breech-piece, that we can screw in and out from time to time. You have an enormous block of metal that you

have to take out and put back. It is all very well talking of a 7 or even 9-inch gun, but when you come to a 35-ton gun with a breech-piece weighing one ton, you will have great difficulty in getting that in and out. And when you come to a heavier gun—an 80-ton gun—you find that your breech-piece weighs no less than three tons. As regards rapidity of fire, I find that in Germany it is considered sufficient that you should be able to fire a large gun once in three minutes. I do not say there is any great necessity for firing more quickly, but I mean that three minutes is considered by the Germans to be the very quickest rate at which you could possibly fire your breech-loading gun. I have made inquiries as to what our muzzle-loading guns are able to do, and although I have no desire to trouble the House with many quotations, I hope I may be allowed to make this. I find that on board the *Resistance* an 8-inch gun, with the ship rolling during this time through an arc of 25 degrees, 10 to 11 times a minute, fired 8 rounds in 8 minutes and 14 seconds. I find in the *Minotaur*, that a 9-inch and a 12-ton gun each fired 8 rounds in 8 minutes and 26 seconds. These, then, are your muzzle-loaders which are said to have no rapidity of fire. They hit the target each time. In the *Iron Duke*, a 9-inch gun fired 8 rounds in 5 minutes and 23 seconds, and also hit the target each time. I find that the *Devastation*, which is a turret ship with the largest guns at present afloat—35-ton guns—and is now in the Mediterranean, actually fired with these enormous guns 8 rounds in 14 minutes and 48 seconds, steaming round the target and rolling slightly—good shooting. Such rapidity of fire is really enormous. On land we have had an experiment with a 35-ton gun in a casemate where, although they were crowded so closely, it fired at 2,000 yards, 3 rounds in 6 minutes and 30 seconds. Of course, being in a very limited space, it was not so quick as those on board ship. I think that will show that at any rate with regard to rapidity of fire our muzzle-loaders are far superior to the breech-loaders; and I have it on the very best authority that some of our greatest artillerists think that one reason for deprecating breech-loaders is, that instead of giving rapidity of fire, they very much impede your firing. Well, I



am told that with breech-loaders there is a great saving of labour, because as the breech mechanism is so simple you are able to load with fewer people. But that is simply not the case. There is one thing which I ought not to lose sight of on the other side of the question. We have lately been experimenting with an invention which has been made by Mr. Rendel, one of the partners in the Armstrong firm, who has applied hydraulic power to loading and working guns in a manner that seems likely to revolutionize gunnery. That has certainly altered the argument very much against breech-loading. I have, thanks to the kindness of the First Lord of the Admiralty, seen this system myself of working guns on board ship, not only in harbour, but at sea firing. I have seen on board the *Thunderer* a 38-ton gun fired in a turret and worked for some little time, and I think everybody was perfectly satisfied. By the system of hydraulic loading you obtain an enormous saving of labour; for instead of having 20 men, six men are quite sufficient; and instead of having your power crowded in a small turret, you are able to take your motive power down to the main deck; a small pipe will convey, round any intricate turnings, water for the loading apparatus. Of course, here again we are told that this mechanism is complicated and that we had better have the breech-loader, because this hydraulic system will never answer. But this hydraulic system is not complicated and is very simple. I may be asked—"You will have it shot away, and then where will you be?" My answer is, that you have two, one on each side, and that there is no more danger than of the turret turn-table being shot away. It has this very great advantage. You are able to have as long a gun in your turret as you like, for you load from the outside, and there is no necessity therefore for leaving any special amount of space in your turret; and I am informed—though I will not vouch for it—that you are able to have a longer muzzle-loader than a breech-loader. Of course, it will be said that for a breech-loader you might have hydraulic loading also; but the thing here is that you have actually now got the simple muzzle-loader, which you are able to work so easily with this beautiful machinery. The House will hardly believe that with

this hydraulic loading a gun mounted exactly in the same way as these heavy guns in the *Thunderer*, has been loaded and worked in 29 seconds. I do not mean to say that it was actually fired, but it was for all practical purposes; and I am told on the authority of the officers who worked the guns that they have no hesitation in saying that with hydraulic loading this could be carried out on board the *Thunderer* in 45 seconds. If you arrive at that, or anything like that, I am certain the House will agree that nothing more is required. An objection is taken that on board the *Thunderer* we had great depression, which it is said will, with a premature bursting of the cartridge, send the shot through the bottom of the vessel. That is the absurd notion which has appeared in some papers; but it is not well founded. I know that in "another place" a statement was made that the gun was depressed 50 degrees, but it was only depressed 11 degrees; and if a charge were to go off, the shot would go clear of the water line. And that was only an experimental case. The *Thunderer* was made first, and the hydraulic system was fitted to it. The *Inflexible*, which you are now building, will only have a depression of three degrees, if not less; and, therefore, when you build a ship for your gun, there is no difficulty whatever. When you fit your gun to your ship there is, of course, more difficulty. One great advantage of this system is that you are able gradually to diminish your armour. In the *Inflexible* you are making the turrets with 18 inches of armour plate, whereas the armour plate at the water line is 24 inches. There is one point in this system of breech-loading which I know an hon. Friend of mine is very fond of urging, and that is the importance of cover. He says that, with a muzzle-loader, your men will be shot away, because you have no cover; but in a turret, with the hydraulic system, there can be no danger of that. But one or two men are in the turret, which is turned away from the point where you receive fire, and they are perfectly safe. The rest are all on the maindeck below, from which the loading is effected. But it is argued that, with broadside guns, the men loading them must be shot away. Surely the answer to that is simply that you have to run your gun in and lower your ports,

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and then your men will not be shot away. We have been told that a great number of men were killed at Liessa owing to this wretched system. I have made inquiries, and have not been able to hear of any men wounded with rifle balls in that engagement. With siege guns, too, you may be perfectly under cover by adopting the system of firing over a high parapet with the Moncrieff, or similar plan. I will not trouble the House much longer; but there is one point on which my hon. and gallant Friend the Member for Devonport will have something to say. That is the question of windage. No doubt, in a muzzle-loader, you have a considerable amount of windage, while in a breech-loader it is entirely prevented. The result is that in a muzzle-loader you have a certain amount of gas erosion; and according to the theory of the officers who adopt that view, your gun is very much deteriorated. But, Sir, what are the facts according to the experiments which have been made? Within the last year they have discovered a system of gas check which closes the windage and stops erosion, and increases the initial velocity by 30 feet; and you have also got a vent plug, which prevents the gas rushing out through the vent, and gives 6 feet additional initial velocity, so that you get over that difficulty. Experiments with both these inventions are now being carried out. I know my hon. and gallant Friend will be able to say a great deal in regard to erosion, and a great deal as to the question of rifling, and as to whether you ought to have a uniform twist instead of one accelerated twist, and so on; but I think these are mere matters of detail, which ought to be left for the inquiry of a Scientific Committee. With regard to the power of endurance, Returns issued this morning show that the question of endurance has assumed a more satisfactory aspect than I had any idea of. It will be seen from those Returns, giving particulars of all heavy armour-piercing guns, from your 7-inch 6½-ton gun to your 35-ton gun, that no less than 592 of those guns have fired over 100 rounds. As to the 7-inch gun, 367 of these have fired over 100 rounds, and five have fired over 1,000 rounds, and one has fired 2,342 rounds. One of these has been provisionally condemned, and one required new tubing after firing 1,770 rounds. Of the 8-inch 9-ton guns, although not

largely employed, 89 have fired over 100 rounds each, and up to 753 rounds and 1,918 rounds, and none have been found unserviceable. The 9-inch 12½-ton gun will pierce every Russian ship except *Peter the Great* and the *Kreutzer* at 200 yards; while at 600 yards she will pierce every French, German, and Italian ship, every Dutch ship except the *Buffel*, and every Norwegian ship except three. Of these, 97 guns have fired over 100 rounds; 23 over 400; 5 over 1,000; and 12 have averaged 818 rounds. And now I come to the 10-inch 18-ton gun. I find that this gun will pierce at 500 yards every foreign ship afloat except *Peter the Great* and the *Kreutzer*, and that it will also pierce our own *Hercules*. Of this gun 14 have fired over 100 rounds; 1 gun has fired 693 rounds; and 1 has fired 889 rounds. Two of them required re-tubing after 534 rounds and 425 rounds respectively. We will, no doubt, hear a great deal about re-tubing from my hon. and gallant Friend; but he will find that only this very limited number required re-tubing. It was stated that an enormous number of the guns required re-tubing; and a statement appeared in the papers that a large number of the guns of the *Hercules* were *hors de combat*, and must be re-tubed. It turned out, however, that the gentleman who had made the statement, and delivered a most interesting lecture, had seen the broad arrow in the Return, and that he had mistaken the meaning of "serviceable," and had thus been led to an entirely wrong conclusion. A number of people that heard the statement made came away with the opinion that a large number of our guns would have to be re-tubed. I find that we have eight 25-ton guns in use which have fired from 100 to 485 rounds each. With regard to the 35-ton gun. Only six of these have been fired over 100 rounds, one over 207 rounds. The 38-ton gun has been fired 247 rounds. The general result is that 592 heavy armour guns have fired 20 per cent more shot rounds than their full complement. In reference to the comparison of the power of penetration, I will not trouble the House at length; but if you take the German gun and the English gun—if you take the 28-centimetre gun and the 11-inch English gun, with a 10-inch iron target, the German gun would pierce it at 1,400 yards, while our 11-inch gun would pierce the same target at 1,600 yards. It



must be borne in mind that our gun is two tons lighter, and that it has an immense amount of windage. The Return shows that, so far as experiments have gone, we have strong and powerful guns. I do not know that I need trouble the House with anything else except the question of cost. I have said that our guns are safe, simple, and powerful—that they are as good as can be got on the Continent; and I think, also, we shall be able to conclude that they are economical. I said at first that while it is necessary to have our armaments thoroughly efficient it is necessary to secure that efficiency, even without regard to the question of cost, and that we must have the best guns irrespective of expense. I find, however, in going into the question of cost, that our guns made at Woolwich are considerably cheaper than those made in Germany. Taking the 12-inch 35-ton gun, its cost at Woolwich is £2,156; the same gun at Krupp's establishment in Germany would cost £7,400. The 11-inch 25-ton gun costs at Woolwich £1,589; in Germany it costs £5,520. The 9-inch 12-ton gun costs at Woolwich £1,000, in Germany it costs £3,120. The result is that if we had armed with breech-loader German guns, and if they had supplied our guns instead of our making them ourselves, our armament, instead of costing £4,000,000 would have cost considerably over £7,000,000. I have now to thank the House for the kind manner in which they have heard me. I have endeavoured to show, as far as I could, that our guns are thoroughly satisfactory; but I by no means think that we would be justified in reducing our experiments or continuing satisfied with the present state of things. I think we ought to carry them on more rigidly than ever, and to look carefully into all questions affecting our armaments; and if the Ordnance Council which I propose, think that the system of breech-loading should be gone into, there could be no objection to have a gun of that class made at Woolwich, one by Sir William Armstrong, and others by other English manufacturers. We can obtain breech-loading guns without going to the Continent, and it is a long time since any system of breech-loading was tried in England. I am quite sure that if we had an Ordnance Committee acting in a judicial capacity, we should have no difficulty in getting the breech-loading

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system thoroughly tried. I hope the House will agree to the re-appointment of this Ordnance Committee. I am certain that it would be an immense boon to the Government. I am quite certain it would be a saving of expense—that it would be far better to have such a tribunal to hear the complaints of inventors, and that in all respects it would be more satisfactory than the present state of things. I beg to move the Resolution which stands in my name.

MR. SAMUDA seconded the Motion.

Motion made, and Question proposed,

"That, in the opinion of this House, it is advisable the Government should reappoint the Ordnance Select Committee."—(*Mr. Hanbury Tracy.*)

CAPTAIN G. E. PRICE, in rising to move, as an Amendment—

"That, in the opinion of this House, the condition of our heavy ordnance is such as to demand the serious consideration of the Government; and that a Select Committee be appointed to inquire into the best means of supplying the Navy with guns of a more reliable and efficient nature,"

said, he quite agreed with his hon. Friend that in regard to the question of endurance the conditions between light and heavy guns were entirely different; and there was also a great difference in the conditions required in the naval and in the land service guns respectively. If they compared the endurance of such breech-loading guns as they now heard of on the Continent and that of the muzzle-loading guns which were at present issued to our service, the comparison was much in favour of the former. As to the difference between the two systems in respect to the danger from rifle fire, that danger was easily guarded against on board ship. In dealing with the question of breech as compared with muzzle-loading, the hon. Member said that as regarded guns of moderate calibre, say of under 12 tons, whose projectiles could be lifted by human power, it really did not much matter which system of loading was adopted; but where the projectile was of such a weight that machinery had to be employed to raise it, all naval officers were unanimous in condemning the system of muzzle-loading for guns on board ship. The advocates of the breech-loading system were met by the objection that to change our system would entail an enormous expense, and would subject us to all the dangers



arising out of a prolonged state of transition from one system to the other, while, at the same time, our guns were so good that there was no necessity for changing the system of loading. He joined issue at once with regard to the accuracy of those assertions. Some weeks ago the Surveyor General of the Ordnance had informed him that the authorities were so well satisfied with the present system that they intended to apply it to the larger guns that were now being manufactured. That satisfaction was not shared by artillerymen or men of science either in this country or abroad. The hon. Member then proceeded to quote the opinions of gentlemen of scientific eminence, who, he said, were unanimous in their condemnation of the Woolwich system of rifling guns. This country could not afford to despise the opinion and the example of foreign countries. It must not be forgotten that steam line-of-battleships and armour plating were first adopted by the French, and that we had followed the example of the Prussians in adopting breech-loading small arms. Captain Simpson, of the United States Navy, who had been at the head of the American Commission appointed to inquire into the merits of the different systems of Artillery adopted in Europe, stated in his Report that our Woolwich guns were safe, but were short-lived. In 1866 the Ordnance Select Committee carried out a series of exhaustive experiments in order to ascertain the respective merits of the Woolwich, the Scott, the Lancaster, and of another gun. The Report of the Committee on Rifled Guns stated that the Woolwich guns, or guns rifled on the French system, had a lower velocity than the Lancaster or Scott gun—the difference between 1,600 feet per second as compared with 1,529 feet per second—the real difference in penetrating power being as the weight of the shot multiplied into the square of the velocity, which would make the difference very great indeed. With respect to accuracy, the experiments were slightly in favour of the Woolwich gun. With respect to naval guns, their best quality was not extent of range. According to Admiral Cooper Key, the best quality of a naval gun was endurance, the next was penetrating power, the next ability to use a powerful shell, the next simplicity; then followed accuracy of range under 1,500, and the last of all was extent of range. If that were so, there

was a great difference between the gun required for the naval and for the land services. On the Committee of which he spoke of eight officers, but one was connected with the Navy; whether that officer agreed with his colleagues he had no means of knowing; but this he knew—that the Admiralty of the day rejected the system, and that since that time the 7-inch gun had been constructed on the uniform twist. The lifetime of the Woolwich gun had been variously stated in that House as being from 250 to 370 or 375 rounds. He would be glad to take it as at the highest figure, but could not do so, as the Reports before the House showed that no experiment tried would warrant him in doing so. The facts he had adduced proved that we stood in a very dangerous position. Under the head of "endurance" they had "no test" or successive alterations of the gun. Endurance, however, meant the number of rounds a gun would fire without requiring repair, and what he feared was that our great ironclads would have to leave the seat of war, if war broke out, after firing 100 rounds of each of their guns, or, at all events, after a single naval engagement. Well, then, it might be asked, what would those guns do? They were told that they would penetrate so many inches of iron at a distance of so many hundred yards. So they would, but they would only do so when they struck the iron plate under certain conditions and angles, and when they struck point foremost. This was partly owing to their shape, their weak construction, and their extreme irregularity of flight. There was something to be taken into consideration in respect to the shape of the shot. In the museum of Sir Joseph Whitworth was a plate of iron perforated by two different kinds of shot—the one pointed and the other flat-headed. They were both fired from a gun of the same weight of metal and with the same charge of powder; but while the pointed shot failed to penetrate and glanced off except when it struck at an angle of 30 degrees, the flat-headed shot continued to penetrate at 50 degrees, and even as much as 65 degrees off the perpendicular. What would be the result, in the event of a vessel of the type of the *Alexandra* engaging a vessel like the Brazilian frigate recently built? The *Alexandra* would be armed with the Woolwich infant and would fire pointed shot, and the

Brazilian frigate would fire flat-headed shot. Long before the *Alexandra* would be in a position in which her guns would be of any use she would be hulled through at every discharge of the Brazilian flat-headed projectiles. He might be asked what he thought was the cause of the defects he had pointed out in the endurance and penetrating power of our guns. Well, he would answer to that—and he had abundant evidence to prove it—that they were almost entirely due to the system of rifling which the Ordnance Select Committee adopted in 1866 and which gave the lowest initial velocity. This system was brought over from France and the Admiralty objected to it. The want of endurance and penetrating power of our guns was also owing in a great degree to the nature of the shot. It was proved that the great danger to a gun arose not from erosion, but from the local scoring that turned to cracking of the tube. The studs upon the shot hit the tube a violent blow, and the shot being started with great velocity was then by the system of rifling required to make a sudden turn. Hon. Members might advantageously consult on this subject the Reports made by Colonel Smythe of the Royal Artillery of the experiments made in India in 1872, when two guns burst. There was also great irregularity in the powder-pressure, and the shot was consequently irregular in its flight after leaving the gun. The damage done to the inside of the gun by the “wobbling” of the shot also caused irregularity in the flight of the shot. The House would remember the experiments with the *Hotspur*, when she fired her 35-ton gun at a painted mark in the centre of the turret of the *Glatton*. The distance was 200 yards and the sea was smooth, but the third shot missed, owing to the spiral direction attained by the shot after leaving the bore of the gun. The shot went straight enough for long distances. The corkscrew then straightened itself and the shot went straight to the mark. But it was no part of the duty of our officers to get a good way off an enemy, and we wanted a gun which would be equally effective at short and long distances. He would be told that we were making great improvements. We had been making improvements for the last 12 years, but what had been the result. The experiments had resulted in the gun which he had attempted to describe. The hon. Member moved for the re-appoint-

ment of the Ordnance Select Committee; but the great defects in our system would not be cured in this way. It was not to them the House could look for a remedy, for it was to them that these defects were due. What we required was a perfectly unbiassed Committee, and he hoped that in future it would have upon it a greater number of naval officers; for hitherto, of the 15 or 16 members of the Committee, only one or two had been naval officers, and yet, if the guns came to be fired in earnest, the chances were that in 99 cases out of 100 it was naval officers who would have to work them. He would have a Committee of both Houses; they should decide what experiments should be made and what expenses should be allowed; and then a Board might be appointed to carry out the experiments. If it were decided that we could get as much as we wanted out of the muzzle-loader with improved mechanism, no great expense need be incurred, and the guns might be rifled on a mechanical plan. He hoped that never again would there be presented to Parliament a Report showing that our guns had not been practically tested with such charges as would be used in service.

#### Amendment proposed.

To leave out from the word “House” to the end of the Question, in order to add the words “the condition of our heavy ordnance is such as to demand the serious consideration of the Government; and that a Select Committee be appointed to inquire into the best means of supplying the Navy with guns of a more reliable and efficient nature,”—(*Captain Price*),—instead thereof.

Question proposed, “That the words proposed to be left out stand part of the Question.”

MR. E. J. REED said, the House could not discuss any question of more enduring importance. It had been his lot to have much to do with our system of ordnance, and to see many of its shortcomings, and he certainly had never expected to hear a naval officer move a Resolution in favour of our present guns. He was amazed alike at the introduction of our present system and at the continuance of it. The wonder was that human ingenuity had been able to overcome a system so false even to a tolerable extent. Whether they regarded the gun or the projectile from a mechanical point of view, they seemed to be wrong in al-

most every respect; and it was no wonder that so many shells had been found to burst. The origin of all the difficulty had been touched upon, and it was that the Ordnance Select Committee, instead of being a body of reference and of a judicial character, had turned itself into a body of schemers and partizans, and at one time the War Office went so far as to have a committee of inventors. Amid the diversity of opinions which existed on this question, it was very desirable to seek for some sound leading principles. In the first place, with regard to the constitution of the Committee which was to advise the Government, there were three things perfectly obvious. The guns had to be manufactured under the War Department, and therefore it was most natural that the officers of that Department should have something to say on the subject. Again, naval officers alone had experience at sea of the guns to be used, and of the defects which might be found in them, and, therefore, any advising body should have naval officers upon it. In the third place, as the construction of guns was a mechanical operation, persons skilled in mechanical operations should be also on the Committee. But then the last thing we ought to do was to substitute any Committee for the responsible Minister. One of the most serious disadvantages which the country had laboured under was that we had had so many subordinate bodies and Committees which had done so much, and that we had not been able to get the responsible Minister himself to devote time and attention to the subject. He hoped the present Secretary of State for War would find an opportunity of giving his personal attention to this question. Then, our guns should be made of the best material, and he would remark that it was high time that those references to iron and steel which were of such frequent occurrence in our debates should be dropped out. It was well known that there were materials of various grades and qualities, which it would puzzle people to define as iron or steel, but which, possessing the best qualities of both, might be used for the purpose. The Government were at this moment doing a most valuable work in building ships of what was called steel, but what was really a material between iron and steel, with the superior and none of the inferior qualities of each. He would say

no more about such a material than this—that it was known to the world to possess more thoroughly than any other the qualities which would be required for the construction of a gun; and when he was under official responsibility he took some pains to bring that material to the knowledge of the Government. He would now come to the projectile, and would speak of one point which would condemn utterly the existing system of ordnance. A long shot when fired with the very same charge of powder as a short shot produced a penetrative effect vastly in excess of an ordinary short shot. But our system of rifling debarred us from using long shot. If the Government had adopted some years ago that other system of rifling which would be in the minds of those who had studied the question they might have enormously increased the power of our ships. The hon. Gentleman opposite (Mr. Hanbury Tracy) had frankly admitted that any change in ordnance which would have to apply to the whole armament of the Navy would necessarily entail enormous expense; but he (Mr. Reed) maintained it was not a question of expense at all when you were dealing with a new ship. Take, for instance, the *Inflexible*. Why should we not adopt with regard to the very exceptional ordnance of that ship a system which would give us a penetrative and destructive power which would be vastly in excess of what could be obtained by adhering to the old system? He did not know how it happened that when men got into a responsible position they failed to see the force of commonplace arguments that seemed to him to strike every mind that gave attention to them. This question was one of great importance now, when other Powers, even secondary Powers, were adopting guns which would give them a very superior advantage indeed. Unless we altered our present course, we should find ourselves in this position—that Brazil sent into European waters guns pretty nearly double the power of our own guns of equal weight and size. He remembered that when a Minister was once proposing the Navy Estimates he spoke of providing a 12½-ton gun, but he spoke of the 6½-ton gun as more eligible, because it could be worked more satisfactorily; but recent experience had shown that the largest guns in the service were those which were now most easily worked.



The guns, in fact, of the *Heracles* and her sister ships, which were the largest of all, were so; and so it would be, he could not help thinking, with breech-loading guns, the question in reference to which ought not to be treated as if they could derive no advantage from mechanical power. If breech-loading guns were to be kept out of the service, it would arise from some more substantial cause than that. For his part, believing as he did that the gun ought to be loaded at the breech and not at the muzzle, he hoped that breech-loaders would not be long kept out of the service. The great question was to know how they were to get the improvements which the country contained and comprised into the minds and proposals of the Government. That was the difficulty, and with a view to remove it he was anxious that there should be interposed between the Government and their ordinary advisers a Parliamentary Committee, who should make a thorough and independent inquiry into the subject, and he therefore supported the Amendment before the House. With the facts so obtained before him the Minister could then act on his own responsibility. Her Majesty's Government would, he believed, reflect honour on their administration by yielding to the solicitations addressed to them that evening from both sides of the House.

MAJOR BEAUMONT thought that changes should not be introduced in a hurry. The important propositions laid down by the hon. Member for Pembroke (Mr. E. J. Reed) were equally applicable to the subject whether the breech-loading or the muzzle-loading system was adopted for our guns. The desirability of using the one system or the other depended upon the description of gun that was used. In the case of the field-gun the question of cover was not of the same importance as in that of the heavier guns. A gun in the open could be served as well from the muzzle as from the breech, but the reverse of that was the case with respect to heavy guns. The Government had been wise, he thought, in the course they adopted in taking advantage of the simplicity offered by the muzzle-loading gun and in pinning their faith to that system for field guns; but the circumstances became changed when they considered the question of heavy guns. As

*Mr. E. J. Reed*

they increased the size of their guns they increased the strain upon them, and must therefore seek to increase their strength. Beyond a certain point they could not do this, and had therefore been driven to use a milder description of powder, which drove them to the use of a longer barrel for the gun. He maintained that the gun at Woolwich which had attracted so much attention would not be the only one of its type. Could this be done without some system of breech-loading? Considering the question with reference to fortifications, unfortunately our fortifications were already built, and we had begun to put our guns in them; but we could barely get in our largest guns, and at this moment a Committee was sitting at Shoeburyness to consider the best means of loading them after they had been got into the fortifications. He feared they would have to diminish the speed of the projectiles, or to increase the size of the casements, or to take some system of breech-loading. They should seek to get a good system of breech-loading. He agreed with the hon. Member for Pembroke that it would be very satisfactory if the Secretary of State for War turned his personal attention to these questions; but with all his ability he could scarcely be expected to grapple with them without some professional assistance. He could not support the re-appointment of the Ordnance Select Committee, which to his mind partook too much of an experimental character. He should regret that the re-appointment of the Ordnance Select Committee upon a side issue should revive it in a permanent form, believing as he did that, though it had done good service in its time, it was better for the Service that it should be dead and gone. He was more inclined to the appointment of a Select Committee to consider the question of breech-loaders as against muzzle-loaders; and he should prefer that their attention should be directed to guns both for land and sea service. But it was a most difficult question to take up. He very much doubted whether any inquiry could ever really decide the matter, for it could not be decided on purely theoretical grounds. What he thought would be the best way out of the difficulty was to appeal to the great inventive power of the country by the Government offering a reward of sufficient amount to stimulate inventors to produce

a breech-loading gun equal in penetrating power to our muzzle-loaders; for the reason why we had abolished breech-loading guns was because we could not get them to stand mechanically the strain they had to bear. If a Committee were appointed, no doubt a great amount of scientific information would be obtained; but he doubted if a satisfactory settlement of the question would thereby be attained.

GENERAL SHUTE remarked that the hon. Member who had just sat down had implied that the question of the cover to men who were loading given by the breech-loading system was of little importance as regarded field guns, and in this he could not agree. A perfectly dead flat for many hundred yards was most rare as a military feature in a field of action, the most trifling undulation or fold of ground would give a sufficient reverse slope to offer considerable protection to men and horses, and a commander of a battery would receive the censure of a general officer if he came into action where he had not such shelter. He therefore regretted that we had not breech-loaders for our field-service. With the present long range, the Artillery had a better chance of selecting their ground; it was generally possible for them to get some sort of cover for man and horse; and, in view of the importance of obtaining shelter, the breech-loader was as desirable in the field as it was in ships.

CAPTAIN NOLAN said, the broad question before the House was practically that of breech-loaders *versus* muzzle-loaders, and whether the responsibility of its decision should rest with the Government or with their professional advisers. He believed it should rest with the Government, which up to the present time had over-ruled its professional advisers. The Ordnance Select Committee were slightly adverse to breech-loaders for field artillery, and slightly inclined to them for heavy artillery, and in 1868 they sent a letter to the War Office recommending experiments with heavy guns; but the Government objected to go to the expense, and soon afterwards dissolved the Committee. The short endurance of our guns was an accident which it had been impossible to separate from our system, and the figures that were supposed to indicate the life of a gun were misleading, as the number of

rounds recorded in these Returns were made up partly of so-called full charges, which were really less. The only charge which could be used in action was the battering charge—and it was not the full charges but the battering charges which affected the life of a gun. There were nominally full charges and reduced charges, but full charges were not used even in action, because they would require fresh machinery to check the recoil. He would certainly support the hon. and gallant Member for Devonport (Captain G. E. Price) if he went to a division; but the grand point to insist upon was that the Government was responsible, and nobody else, in that matter.

MR. HUNT said, he thought the expression of opinion on that important question in that House was very much a reflex of the state of opinion out-of-doors—that was to say, there existed a very great diversity of view among those who were entitled to form a judgment on the subject as to the comparative merits of breech-loading and muzzle-loading guns. As was natural, therefore, the advice offered to the Government had been of very different kinds. The hon. Gentleman who had introduced the question (Mr. Hanbury Tracy) proposed the re-appointment of the Ordnance Select Committee. His hon. and gallant Friend behind him (Captain G. E. Price), on the other hand, was not satisfied with a Committee of experts, but wished the House to appoint a Committee of its own Members to consider that subject. The hon. Member for Pembroke (Mr. E. J. Reed) appeared at the beginning of his speech to think that the Government ought to be responsible in the matter; but at the conclusion of his remarks he seemed inclined to send the question to a Select Committee upstairs. He accepted the view taken by the hon. Member for Pembroke in his opening remarks, that the Government ought to be responsible in the matter. He therefore could not agree to the re-appointment of the Ordnance Select Committee, which would to a certain extent be relieving the Government of responsibility; neither could he assent to relegate that subject to a Committee of that House. The hon. Member (Mr. Hanbury Tracy) urged that the Ordnance Select Committee should be re-appointed, because when hon. Gentlemen were applied to

The guns, in fact, of the *Hercules* and her sister ships, which were the largest of all, were so; and so it would be, he could not help thinking, with breech-loading guns, the question in reference to which ought not to be treated as if they could derive no advantage from mechanical power. If breech-loading guns were to be kept out of the service, it would arise from some more substantial cause than that. For his part, believing as he did that the gun ought to be loaded at the breech and not at the muzzle, he hoped that breech-loaders would not be long kept out of the service. The great question was to know how they were to get the improvements which the country contained and comprised into the minds and proposals of the Government. That was the difficulty, and with a view to remove it he was anxious that there should be interposed between the Government and their ordinary advisers a Parliamentary Committee, who should make a thorough and independent inquiry into the subject, and he therefore supported the Amendment before the House. With the facts so obtained before him the Minister could then act on his own responsibility. Her Majesty's Government would, he believed, reflect honour on their administration by yielding to the solicitations addressed to them that evening from both sides of the House.

MAJOR BEAUMONT thought that changes should not be introduced in a hurry. The important propositions laid down by the hon. Member for Pembroke (Mr. E. J. Reed) were equally applicable to the subject whether the breech-loading or the muzzle-loading system was adopted for our guns. The desirability of using the one system or the other depended upon the description of gun that was used. In the case of the field-gun the question of cover was not of the same importance as in that of the heavier guns. A gun in the open could be served as well from the muzzle as from the breech, but the reverse of that was the case with respect to heavy guns. The Government had been wise, he thought, in the course they adopted in taking advantage of the simplicity offered by the muzzle-loading gun and in pinning their faith to that system for field guns; but the circumstances became changed when they considered the question of heavy guns. As

they increased the size of their guns they increased the strain upon them, and must therefore seek to increase their strength. Beyond a certain point they could not do this, and had therefore been driven to use a milder description of powder, which drove them to the use of a longer barrel for the gun. He maintained that the gun at Woolwich which had attracted so much attention would not be the only one of its type. Could this be done without some system of breech-loading? Considering the question with reference to fortifications, unfortunately our fortifications were already built, and we had begun to put our guns in them; but we could barely get in our largest guns, and at this moment a Committee was sitting at Shoeburyness to consider the best means of loading them after they had been got into the fortifications. He feared they would have to diminish the speed of the projectiles, or to increase the size of the casements, or to take some system of breech-loading. They should seek to get a good system of breech-loading. He agreed with the hon. Member for Pembroke that it would be very satisfactory if the Secretary of State for War turned his personal attention to these questions; but with all his ability he could scarcely be expected to grapple with them without some professional assistance. He could not support the re-appointment of the Ordnance Select Committee, which to his mind partook too much of an experimental character. He should regret that the re-appointment of the Ordnance Select Committee upon a side issue should revive it in a permanent form, believing as he did that, though it had done good service in its time, it was better for the Service that it should be dead and gone. He was more inclined to the appointment of a Select Committee to consider the question of breech-loaders as against muzzle-loaders; and he should prefer that their attention should be directed to guns both for land and sea service. But it was a most difficult question to take up. He very much doubted whether any inquiry could ever really decide the matter, for it could not be decided on purely theoretical grounds. What he thought would be the best way out of the difficulty was to appeal to the great inventive power of the country by the Government offering a reward of sufficient amount to stimulate inventors to produce

*Mr. E. J. Reed*



a breech-loading gun equal in penetrating power to our muzzle-loaders; for the reason why we had abolished breech-loading guns was because we could not get them to stand mechanically the strain they had to bear. If a Committee were appointed, no doubt a great amount of scientific information would be obtained; but he doubted if a satisfactory settlement of the question would thereby be attained.

GENERAL SHUTE remarked that the hon. Member who had just sat down had implied that the question of the cover to men who were loading given by the breech-loading system was of little importance as regarded field guns, and in this he could not agree. A perfectly dead flat for many hundred yards was most rare as a military feature in a field of action, the most trifling undulation or fold of ground would give a sufficient reverse slope to offer considerable protection to men and horses, and a commander of a battery would receive the censure of a general officer if he came into action where he had not such shelter. He therefore regretted that we had not breech-loaders for our field-service. With the present long range, the Artillery had a better chance of selecting their ground; it was generally possible for them to get some sort of cover for man and horse; and, in view of the importance of obtaining shelter, the breech-loader was as desirable in the field as it was in ships.

CAPTAIN NOLAN said, the broad question before the House was practically that of breech-loaders *versus* muzzle-loaders, and whether the responsibility of its decision should rest with the Government or with their professional advisers. He believed it should rest with the Government, which up to the present time had over-ruled its professional advisers. The Ordnance Select Committee were slightly adverse to breech-loaders for field artillery, and slightly inclined to them for heavy artillery, and in 1868 they sent a letter to the War Office recommending experiments with heavy guns; but the Government objected to go to the expense, and soon afterwards dissolved the Committee. The short endurance of our guns was an accident which it had been impossible to separate from our system, and the figures that were used to indicate the life of a gun were misleading, as the number of

rounds recorded in these Returns were made up partly of so-called full charges, which were really less. The only charge which could be used in action was the battering charge—and it was not the full charges but the battering charges which affected the life of a gun. There were nominally full charges and reduced charges, but full charges were not used even in action, because they would require fresh machinery to check the recoil. He would certainly support the hon. and gallant Member for Devonport (Captain G. E. Price) if he went to a division; but the grand point to insist upon was that the Government was responsible, and nobody else, in that matter.

MR. HUNT said, he thought the expression of opinion on that important question in that House was very much a reflex of the state of opinion out-of-doors—that was to say, there existed a very great diversity of view among those who were entitled to form a judgment on the subject as to the comparative merits of breech-loading and muzzle-loading guns. As was natural, therefore, the advice offered to the Government had been of very different kinds. The hon. Gentleman who had introduced the question (Mr. Hanbury Tracy) proposed the re-appointment of the Ordnance Select Committee. His hon. and gallant Friend behind him (Captain G. E. Price), on the other hand, was not satisfied with a Committee of experts, but wished the House to appoint a Committee of its own Members to consider that subject. The hon. Member for Pembroke (Mr. E. J. Reed) appeared at the beginning of his speech to think that the Government ought to be responsible in the matter; but at the conclusion of his remarks he seemed inclined to send the question to a Select Committee upstairs. He accepted the view taken by the hon. Member for Pembroke in his opening remarks, that the Government ought to be responsible in the matter. He therefore could not agree to the re-appointment of the Ordnance Select Committee, which would to a certain extent be relieving the Government of responsibility; neither could he assent to relegate that subject to a Committee of that House. The hon. Member (Mr. Hanbury Tracy) urged that the Ordnance Select Committee should be re-appointed, because when hon. Gentlemen were applied to

by inventors they could then tell them to go to that Committee. But that was hardly a sufficient reason for re-appointing that body. The House had heard how that Committee, after a time, ceasing to perform judicial functions, had taken upon themselves to be more or less of an experimental Committee, and, like all those engaged in experiments and inventions, they became more or less partizans. They should therefore profit by the lessons of experience; and after the history which had been given of that Committee the House would hardly be willing to recommend its re-appointment. Then as to the suggestion that they should refer the matter to a Committee of that House, although Select Committees were very useful on many subjects, it would scarcely be advisable to refer a question so technical as the present to such a body. It would, moreover, hardly be becoming to throw upon a Committee functions which ought to be discharged by the Government itself. Therefore, he hoped the House would not assent to either the original Motion or the Amendment. The debate had chiefly turned upon naval guns. With regard to the question as to rifling the guns and preparing the projectiles for the grooves, it was a very technical one, and he did not feel at all competent to enlarge upon it. But these matters had been considered by experts who had been called upon to advise Government with reference to them, and from what he had read of their opinions it appeared that they opposed very strongly the views advocated by his hon. and gallant Friend (Captain G. E. Price) behind him. Perhaps more generally interesting to the House was the question as to the respective merits of the breech-loading and the muzzle-loading guns. In regard to that subject it must be remarked that the case of the turret guns differed very much from that of the broadside guns. In connection with the former, allusion had been made to an invention which was now coming into practical use—the employment, namely, of hydraulic machinery in working the enlarged guns with which the turrets were provided. His hon. and gallant Friend (Captain G. E. Price) said that when experiments with that invention were made the other day on board the *Hotspur*, great defects were discovered. The information which had

reached him (Mr. Hunt) was different. What had been said about the projectile not going home was, he believed, a mistake. It was a preliminary trial; a great deal of the machinery was not properly fixed, and consequently there were defects in the details of the arrangements; but they were of a kind which could be avoided in the future. He believed that those who witnessed the experiment were of opinion that it promised a great ultimate success. If that success should really be attained, he had no doubt it would put the muzzle-loading guns, as regarded rapidity of fire, pretty much on a par with the breech-loading guns. The hon. Member for Pembroke had asked why the hydraulic machinery could not be used for breech-loading guns as well as for muzzle-loading guns. No doubt, in the course of time, it would be made applicable to the breech-loaders; but as regarded the use of those guns in a turret, it was worth bearing in mind that there might be an objection on the ground of smoke which would come from them when the breech was removed. Even with a breech-loading fowling-piece hon. Members must have found, in certain conditions of the atmosphere, that it was sometimes difficult to get a second shot. That being so, it might be doubted whether the men in a turret would be able to breathe if breech-loading guns were used. As regarded the broadside guns, a superiority was attributed by many people to the breech-loaders on the ground of the rapidity of fire and the non-exposure of the men. As to the question of exposure, he could not see, after giving the best attention to it, that there was much difference. The real ground on which our gunnery authorities based their preference for the muzzle-loading guns was because of their greater strength and their greater simplicity, which would prevent their getting out of order in the heat of action, and so causing great loss of life through the breech not being properly closed. He admitted that, in the consideration of this question, there were *pros* and *cons*, advantages and disadvantages, to be taken into account, and he was by no means prepared to put his foot down upon it, and say that on no future occasion should the subject be re-opened; but, as far as he was able to judge, it appeared to him that no case had been

*Mr. Hunt*

made out for the substitution of the breech-loading for the muzzle-loading gun. They knew, however, that they had got a comparatively cheap gun, which cost three-and-a-half times less than the Krupp guns in use in Germany, and in which their seamen gunners had the fullest confidence. The success of the Prussians in the late war had been attributed, in a great measure, to their artillery; but it must not be assumed that their superiority in that arm was the sole cause of their being victorious. From all that Her Majesty's Government had been able to ascertain, the Krupp guns had never been put to the severe test that our service guns had been. A statement had been made that a large number of the Krupp guns had become unserviceable during the late war, and it was said in the other House that no less than 200 of them had burst. That assertion had, however, been contradicted by the agent in this country of Herr Krupp in a letter which appeared in *The Times*, in which it was declared that only 17 of those guns had burst. Since that letter had been published, however, it had been maintained by many persons that, although the guns had not all burst, at least 200 of them had become unserviceable during the war. Under these circumstances, it was rather difficult to arrive at a conclusion on the subject. It was, however, an important fact that Herr Krupp had refused to sell Her Majesty's Government one of his guns—whether from fear of the severity of the test to which it would be put or not he could not say—and hon. Members would, therefore, hesitate in such a case to decide off-hand that his guns were preferable to ours. The House, however, might rest satisfied that Her Majesty's Government would keep their eyes open to all new inventions in artillery, and would give every attention to the subject.

GENERAL SIR GEORGE BALFOUR observed, that before the Government adopted the breech-loading system instead of the present simple muzzle-loading system they must make up their minds to recommend to Parliament an expenditure of between £5,000,000 and £6,000,000.

Notice taken, that 40 Members were present; House counted, and 40 und present,

GENERAL SIR GEORGE BALFOUR concluded by repeating that this increase of expenditure made the proposed change a matter for serious consideration.

Amendment and Motion, by leave, *withdrawn*.

MR. CHARLES LEWIS said, that the House was now enduring Morning Sittings as well as late Evening Sittings. If they were to have Morning Sittings regularly, there must be some limit to the Evening Sittings, yet the House had been far more than three hours committed to a discussion which ended in the withdrawal both of the Motion and Amendment. He moved that the House do now adjourn.

[The Amendment, not being seconded, was not proposed.]

#### ROYAL IRISH CONSTABULARY BILL.

Resolution [June 21] *reported*, and *agreed to*:—Bill *ordered* to be brought in by Sir MICHAEL HICKS-BAUGH and Mr. SOLICITOR GENERAL for IRELAND.

Bill *presented*, and read the first time. [Bill 219.]

#### EAST INDIA (ROMAN CATHOLIC CHAPLAINS.)

##### RESOLUTION.

MR. O'REILLY rose to call attention to the position and pay of Roman Catholic Chaplains in India, and to move—

"That, in the opinion of this House, the provision at present made for the religious wants of those persons in Her Majesty's service in India who profess the Roman Catholic Religion is inadequate, and requires to be improved," when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter before One o'clock.

#### HOUSE OF COMMONS,

Wednesday, 23rd June, 1875.

MINUTES.]—PUBLIC BILLS—*Second Reading*—Contagious Diseases Acts Repeal [24], *put off*; Glebe Lands, Corporate Bodies (Ireland)\* [47].



CONTAGIOUS DISEASES ACTS REPEAL  
BILL.—[BILL 24.]

(*Sir Harcourt Johnstone. Mr. Stansfeld.*)

SECOND READING.

Order for Second Reading read.

SIR HARCOURT JOHNSTONE, in moving that the Bill be now read the second time, said: In bringing this subject before the House, I am aware that I am undertaking a very delicate and difficult task—difficult, because so many hon. Members who have formerly voted for the repeal of these Acts are unfortunately, now out of Parliament, and delicate because the subject has been so criticized and censured, and even, I may say, so ostracized by the Press and by many people in this country that it is scarcely possible to obtain a thorough ventilation of it without bringing it before the House of Commons. But the unwillingness I have felt in bringing it forward is not owing to any want of thorough conviction which has deepened and strengthened every day and every hour, that a Repeal Bill was absolutely necessary. Moreover, I have an intense dislike as many other hon. Members of that House to prominence on a matter which is so revolting, so loathsome. It has not been my habit to trouble the House on many questions during the last few years; but I felt bound, in deference to the wishes of many of my constituents, for whose judgment and whose feelings I have the greatest respect, and also in deference to the unanimously expressed wish of certain Members of the House who had met to consider the question, to come forward. I must remind the House that three Acts have been passed on this subject differing from each other very slightly, except that they have become more intensely despotic in character as they advanced. In 1864—according to the Report of the Royal Commission that sat on the subject—an Act was passed without notice in or out of Parliament, for the suppression of contagious diseases in various parts of the Kingdom, at certain places, the names of which it mentioned. After the Act of 1864, a medical Committee sat to report on the working of the Act, and in 1866 the Act of 1864, was repealed, and an amended or more stringent Act was passed. Subsequently, and after the Reports of the Lords' and Commons' Committees in 1868, an Act

was passed in 1869—the third Act that had been passed on the subject. There were certain penalties in these Acts which at first were comparatively lenient, but as every successive Act was passed, those penalties became more and more stringent, and more dangerous to public liberty. By the Act of 1864, no proceedings were to be taken against a woman, unless there was sufficient evidence to satisfy the magistrates, and, after all, this was only such evidence as was founded on "reason to believe." That was a peculiar sort of evidence, but a mark of the more lenient character of that Act was, that no woman was to be detained for more than three months after she had been examined, and the imprisonment for rebellion against these provisions was for two months, and without hard labour. By the Act of 1866, the powers delegated to a superintendent of police or a medical man, were handed over to an inspector, thus giving them to a person of lower and less responsible position. By Section 16 of the Act of 1866, in case of their non-appearance, women were ordered to be examined constantly for a year, and the celebrated "Section 17," which I have no doubt will be the subject of much discussion, is embodied in that Act. It is the voluntary submission clause, and it provides that any woman in any place to which the Act applies may voluntarily, by a submission in writing, signed by her in the presence of, and attested by, a superintendent, submit herself for one year. I may here point out that the penalties under the Act of 1866 were these—A woman might be imprisoned for a term not exceeding three months, with or without hard labour, for infringing the provisions of the Act, and for illegally quitting the hospital to which she was sent, she might be taken into custody without warrant; the limit of the operation of the Act being five miles from the station. In the Act of 1869, by Section 4, a woman escaping from hospital was liable, if found within a 10 miles limit, to be apprehended and put under the provisions of the Act; and what was worse than that was, that by Section 6 of the same Act, a voluntary submission was held to have the same effect as an order of the justices, while there were increased penalties for non-appearance, the duration being extended to nine months. I



wish to point out how the severity of these Acts has been increased. In the Act of 1864, it was provided, first, that there must be an information before one or more justices; in 1866 there was what was termed the alternative of voluntary submission, and in 1869 voluntary submission was allowed to have the same effect as a justice's order. Thus every safeguard for the liberty of the subject has been gradually removed. I have no doubt that this was done with the best intentions, as is very often the case in these attempts to limit the freedom which every subject ought naturally to enjoy, in order to secure the object of those who pass restrictive laws, and so far as intentions go, I do not blame them. They made no secret of the fact that they desired to make the Acts as stringent and powerful for the purpose they had in view, as was possible, and therefore they had very naturally pressed for increased stringency and severity. But it so happened that in 1866 there were very few people who began to see what these Acts were likely to do, and the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) said during the discussion on the subject in that year that the measure was "a very queer Bill on a very queer subject," and he recommended reclamation. Well, I do not wish to pin myself to reclamation, at least, so far as State-reclamation is concerned. Voluntary reclamation is one thing, and State-reclamation is another. Mr. Ayrton, who was then in the House, too, characterized the Bill as one for—

"Keeping public women at the public expense for the gratification of soldiers and sailors. No useful or moral end was intended, the end in view being vice, unmitigated vice," and he added that "such a proposal was a disgrace to the country."—[3 *Hansard*, clxxxii. 815.]

That Bill was brought into the House at 1 o'clock in the morning. The right hon. Gentleman the Member for Greenwich (Mr. Gladstone) at that time Chancellor of the Exchequer, said—

"That it was hardly possible the subject could be discussed then with that fulness which would be desirable."—[*Ibid*. 816.]

The Bill was recommitted on the 26th of April at nearly 2 o'clock in the morning. Lord Clarence Paget protested, in answer to some remarks made, against the idea of women being certificated by the Acts, and Mr. Henley asked why the Bill was

not to be generally applied—if to Windsor, why not to Westminster? In the Act of 1866, owing to remonstrances of certain hon. Members, it was provided that moral and religious instruction was to be given to the women in the hospitals. I will now analyse, but not at any great length, some of the recommendations of the Royal Commission, because the Royal Commission have been so inconsistent in those recommendations that their Report is really, in certain respects, a perfect farce. There can be no doubt that in the case of a numerous Commission, on which there are men holding different views, the recommendations contained in the various paragraphs of the Report most naturally display a good deal of diversity. There is, undoubtedly, a distinct antagonism in the views of the different Members of a Royal Commission, and that antagonism is clearly marked in many passages of their Report in a very peculiar manner. The Report, at the same time, contains some remarkable admissions, to which I would call the attention of the House. It is admitted that the "Act of 1866 sought to render the practice of prostitution, if not innocuous, at least much less dangerous;" and that, at all events, affords a very significant explanation of the true purpose of the Act. Paragraph 14 of the Report contradicts the statement of the Lords' Committee that the diminution of disease at Devonport was owing to the recent laws, because the Act of 1866 had not been in force when the Report was made. Another paragraph relates how curiously evidence was procured from soldiers who were drunk, and who often wanted to shield the persons with whom they had consorted; as well as from brothel-house keepers, who were in constant communication with, and who were, in fact, the allies of the police. Paragraph 23 says the charges made against the police cannot be substantiated, a statement which I venture entirely to deny. There is a Member of the Royal Commission, not now present, but who will probably be in his place in the course of the afternoon, who may have occasion to point out that the evidence of some of these women had been proffered to the Commission, but that it had been refused; while the mere *ipse dixit* of those who were engaged in the administration of the Acts, was taken



as a denial of the charges made by the women, who, however, were not brought before the Commission. I maintain that there are many well-authenticated cases that can be sustained; but there is one very recent instance of the injustice and cruelty that was perpetrated under these Acts. I need not allude at any great length to the case of Mrs. Percy, at Aldershot; but there can be no doubt whatever that—even if that woman had been a habitually drunken woman, or even a woman consorting with soldiers, as persons in her class of life might do without being prostitutes—the hardship she was made to suffer was such as to induce her to destroy her own life. If she had been a confirmed prostitute, she would not have been in such a state of complete and abject want as she was proved to have been in, previous to her death; and if every woman is to be called a prostitute, because on one occasion she is seen by the police to be drinking—inferences may be drawn which can only be equalled by the inference drawn in the case of the Cambridge carrier, who, when asked whether his horse could draw inferences, replied—“My horse can draw anything in reason.” The difference here is that the inferences drawn by the police, in Mrs. Percy's case, were entirely without reason; they had drawn inferences to suit their own purposes. The following admission of the Royal Commissioners is a very remarkable one. In Paragraph 37, it is stated that—

“There was no ground for the assertion that any diminution of the disease in the Army and Navy was attributable to a diminution of disease contingent on a periodical examination of women.”

That being so, why has Parliament taken action in the matter? I do not wish to blame the present Government, or any other Government, for the question is one that is far above Party considerations, and I do not propose to enter into any contest of political antagonism upon it. The Bill before the House is supported by hon. Members on both sides, and I am unwilling that the discussion of it should assume a Party tone. Moreover, I assert that those who support the Bill do not wish it to be supposed that they regard themselves as standing upon any lofty pinnacle of morality. It is not upon such grounds that they desire to proceed. For I admit that quite as good men are in favour of the Acts, as are against

them. What I and my Friends hold is that there has been a misapprehension on the subject; that people have relied entirely on the Government statistics, and have not taken the trouble to dive into the nature of these Act, and I am not surprised at it. I admit that for many a long day I refused to look into the Acts, but I at length had to do it, long before the General Election, and the more I looked into the question, the less argument I found in their favour, and the more sure I felt that it was undesirable to maintain the Acts, either for the good of soldiers, sailors, or civilians, or for the morality of the country. Immediately after Paragraph 37 of the Report of the Commission, which states that there is no evidence of a diminution of disease, it is stated that there is a “general impression” that these Acts have acted beneficially on the health of the men. In Paragraph 48 the Commissioners contradict their first view by saying that frequent examination is a most efficacious means of controlling disease. Can anything show more thoroughly how inconsistent that Report is? We know what this is owing to; but those who read the Report will no longer have reason to doubt, looking at the evidence it is founded upon, that these Acts were unnecessary. Another extraordinary admission made by the Commissioners is that—“It is difficult to escape from the inference that the State, in passing these Acts, has assumed prostitution to be a necessity.” That is, in fact, the line that has been taken in foreign countries; many of whom have assumed that prostitution is a necessity. In my opinion, such is not the view of the majority of the people of this country. It may be the view of certain military men, and also of a certain number of those connected with the Navy. And that view is not confined to them, for it is held by a great many people belonging to the civil community; but it will be utterly subversive of the morality of the country if it should be generally admitted. Among the recommendations at the end of the Report are—that the system of periodical examinations should be discontinued; that the police, in carrying the Acts into force, should perform their duties in uniform; and that the Acts should be extended to any place in the United Kingdom from which a request is made for their appli-

*Sir Harcourt Johnstone*



cation, except London and Westminster. I have not heard that any places have availed themselves of the suggestion which has been given. It is true that there is one place that has memorialized the Home Secretary to extend these Acts to that locality. It is a town in the Isle of Wight, and the memorial is the consequence of a report that a large number of prostitutes from Portsmouth has gone thither for refuge from the action of the police. But the prayer of the memorial is entirely contradicted by the town council, and no action has been taken upon it. Now, there are three distinct principles on which the supporters of this Bill proceed. They hold, in the first place, that it is not the business of the State to provide the means of self-indulgence for the Army, the Navy, or any other class of society in this country or elsewhere; secondly, that it is not the business of the State to connive at the maintenance of houses of ill-fame, but to suppress them, and that, not by a central agency, but by means of the local authorities; and the third great principle they maintain is this—that, so long as they are in this House, they should endeavour to see that no Act of Parliament should be passed that will allow any office or Department, whether the Home Office or any other, to frame and carry out regulations that are inconsistent with the liberty of the people, and with constitutional law. A very active and zealous gentleman in the Home Office (Captain Harris) has issued a Report, which I have no doubt the Home Secretary will thoroughly endorse. I do not blame any man for doing that, and the gentleman referred to has done his duty thoroughly and completely, but many of the statements in his Report are such as the House ought carefully to attend to. It is a most curious Report, and so far as the intention of the writer and compiler is concerned, it is no doubt excellent. It deals with a great many statistics, into which I will not enter, as that part of the question will be handled far better than I can handle it by an hon. Member who has made himself thoroughly acquainted with the figures. There is, however, one statement that is apt to mislead many people and I will therefore call attention to it. The 4th section of the Home Office Report states that in towns where the Acts are enforced, the voice of the general public is

strongly in their favour, and that the opposition comes from persons who are ignorant of the law, or who reside in places distant from the scene of its operation. Now, the question is, has the voice of the public been tested on this subject? Has there been any discussion out-of-doors before the Acts were passed? That is the point. I assert that in every district in England in which meetings have since been held—where the meetings have not been packed—the voice of the general public is not in favour of the Acts. ["Oh, oh!"] Only recently at public, and not packed meetings, that have been held at Portsmouth and Chatham on the subject, the majority of those present strongly protested by their speeches and votes against these Acts. No doubt there are a good many in those towns who say they believe the health of their sons and daughters and of their friends may possibly be preserved and not endangered by the operation of the Acts, and that there is greater quietude and respectability of demeanour among the prostitutes who are much better conducted than before. It is also said that respectable people have been known to say they would gladly pay a special rate for the maintenance of the Acts, so much have they contributed to the peace and quietude of the places in which they lived. They do not add, however, that they contribute to the morality of the towns in which they are enforced, and I am of opinion that that is a great omission, and that morality ought to be substituted for "quietude." The Report I have referred to, says that wherever a chance exists of the reclamation of women, every effort has been made to reclaim them before they are brought under the operation of the Acts. There is no doubt that the policemen who are entrusted with the duty of enforcing the law, are all human beings—fathers, brothers and sons—and perhaps they have no wish to see young creatures hurried prematurely into a life of prostitution. I have no doubt that the metropolitan and the local police may also have done something to caution the young women they go amongst against coming under the law. I will not weary the House by going into statistics as to the number of persons who have been reclaimed, nor the statement as to the decrease of brothels—which was, in fact,

due to another law—nor to the alleged large diminution of prostitutes in Devonport; but I think if we see to what these figures amount, we cannot attach very much importance to them. One thing that I would point out is, that the limits in which the Acts operate, have been enlarged by the “amended” law; but, in point of fact, the enlarged limits are not used in all cases by the police. I am told that at Windsor, where the Acts are enforced, the police do not find themselves able to control the action of the prostitutes to the full extent of the legal area, and the women simply go off to Datchet and to other places, almost under the walls of the Castle. The truth of the matter is, that you cannot keep up a machinery that will thus control the action of human beings. The whole tendency of this peculiar trade, and of those who are engaged in it, is to evade the police, and I hold that it can never conduce to the real morality of the country, to keep up a body of police to watch the public morals. There is no doubt that the public require protection in many ways; but I do not think they require to be protected in the manner the Home Office and the authorities of the Army and Navy imagine. It is said in a well-known work by Carlyle, written nearly 50 years ago—

“It were but blindness to deny that this superior morality is, properly, rather an inferior criminality, produced not by greater love of virtue, but by greater perfection of police.”

Again—

“It is by tangible material considerations we are guided, not by inward and spiritual.” You cannot tell in the case of soldiers whether the men are married or not. It was the case when I was in the Army that a certain proportion of the men were married and a certain proportion were single, and I am told that in the case of one of the towns which is under the protection of the Act, a colonel commanding a regiment came before a Committee of this House, and stated that not only did he object, but that the married men and the “good conduct” men under him objected entirely to these Acts. Many of those who were, or would be, married, were kept down by the constant system of espionage and police vigilance which no doubt seem quite right to the promoters of these Acts, but which are certainly not conducive to the liberty of the subject.

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There is no doubt that whenever a regiment removes to fresh quarters there is a new importation of those who follow the fortunes of the Army. In that case the old comers in the town meet the new comers, and the former, finding that their original monopoly is interfered with, inform the police of the doings of the latter, and these Acts are sustained by such methods. What can be thought of a system which is kept up by the information of prostitutes and sometimes of drunken soldiers, although it may happen that information is sometimes obtained from the respectable inhabitants of the place? Some of these women remain, some, perhaps, from disposition or idleness, but others, again, from fear, for having got once into the clutches of the police they cannot escape, while others may remain from attachment to the men with whom they have consorted, even though they are not married. There can be no doubt, as everyone can judge from the experience of former generations, that the sort of terrorism produced by these Acts leads to evasion. The hon. Baronet having referred to the failure of every attempt to enforce severe restrictive laws on this subject, during the reigns of Constantine, Louis XIV. in Spain and in Prussia, and the admission of eminent French physicians that all attempts to diminish the evil had totally failed, continued—Dr. Drysdale, a countryman of our own, the senior physician of the Metropolitan Free Hospital, says—

“On going over the Paris hospitals I am driven to the conclusion that there is more disease in Paris than in London, Paris having only half our population, and this, too, after 80 years trial of the Contagious Diseases Acts.”

He, moreover, challenges contradiction of this fact, and neither Dr. Ricord nor any other of the celebrated French writers have dared to deny it. I may say, however, that this fact was partly insisted on, and partly denied by the Royal Commission. And here let me ask, to whom do you apply the examination that takes place under these Acts? You apply it to a large class of women, many of whom are not prostitutes, and who have never been prostitutes, and even who have never been diseased; and you apply it to one sex alone. You apply it only to women. I had the good fortune while in the Army to serve with Lord Herbert during the last few months of

his life, and I remember his speaking very highly of the efforts of His Royal Highness the Commander-in-Chief to redeem the position of the Army; but I do not think it would ever have entered into Lord Herbert's head to recommend for our adoption such Acts as are now on the Statute Book. In point of fact, his Commission recommended the discontinuance of the examination even of the men, because it was so degrading to them. The men hated it; the doctors hated it; and it was regarded as utterly repulsive to all natural feeling. I know that many of the commanding officers, and many of the surgeons in the Army hate the present system; and I am told that certain surgeons who expressed their abhorrence of it were told that their promotion depended entirely on their compliance with the Acts. I have been told that by a commander serving in the Army in London at this moment, and also by a colonel commanding a battalion of the Guards. There is a pecuniary fine levied upon the soldiers who contract this disease, and those who draw up the statistics on this subject can tell us how it operates. It leads to concealment. You first forbid the soldier to marry, and then you fine him—for what? Not for the self-indulgence of which he has been guilty, but because he has been unfortunate enough to contract disease. I know it may, and probably will be said that the disease interferes with the man's efficiency, and this, no doubt, is true; but, the morality of the argument is peculiar. Putting it to a lower test, it is as if you should say—"It is very desirable to steal; you have only to take care that you are not found out." That really is the morality of this system. There is no doubt that this system was adopted by Lord Cardwell with the very best intentions. I am sure he would be the last man knowingly to do an immoral thing, and it was no doubt intended to promote the efficiency of the Army, but now that it has been tried and found wanting, I cannot think that the officers of the Army will desire its continuance. But I ask, what statesman in this House will get up in his place and venture to say—"Apply these Acts to both sexes of human beings?" I maintain that this House would not pass an Act that would compel a registration of men, and keep them on the register for a year—an Act that would

arrest men coming out of brothels and require from them a voluntary submission, the refusal to sign which would render them liable to punishment. You would find it impossible to apply these Acts to both sexes, and therefore I say that in common justice and equity they ought to be repealed. If you desire to extend these Acts to both sexes, let us have a measure brought before the House for that purpose. Well, how do these Acts affect the morals of the people? I am told that those women who have not become hardened to the system of examination are to be seen drunk in the streets, and going about in that state through towns in which they live. They are sometimes accompanied by men; and even in the very face of your new elementary schools, where you have enacted that religious instruction shall form part of the education given to the children, these women are to be thus seen, for the benefit of the rising generation; and, moreover, the rising population have been seen taking an interest in seeing these poor creatures going to the examination. I find also from the statements of men who are living in these protected districts, and who can vouch for these facts, that in Southampton, the public rush to the room where the prostitutes sit, and young boys may be seen looking at and talking to them. Fancy seeing a number of people watching a batch of prostitutes thrust into one place, some of them half drunk, some perfectly brazen-faced, and a crowd of young boys, looking at and laughing at them! Well, Sir, I cannot think that these things can be at all conducive to morality. It has been said that if the certificates are no longer given to these women they can no longer go round with them and say—"I am a Queen's woman: I am at liberty to follow this trade!" The certificate is now retained; but the moment a woman has been examined and liberated, it is just as well known that she has been discharged as fit for the public service. We are told that it is not our business to interfere, and that the authorities of the Army and Navy are responsible to this House for the efficiency of the public service. I ask, however, are we to accept these illegalities as legal? We are not in a state of siege and under martial law; and I do not think the House of Commons will ever abdicate its



right to deal with those Services, or to prevent them having absolute power over the persons of civilians. Sir, the accusation has been levelled against us that we are indifferent to the health of the country; that we wish to promote these diseases; that we will not believe the good these Acts have done, and that we are desirous of spreading disease as much as possible. For my own part, I cannot feel that I ought to plead guilty to this charge. Personally, for many years, I have taken a very active part in urging on the local authorities, in my district, the necessity of establishing sanatoria for the prevention of contagious disease—not of this character, but of another. I have said that I have taken a very active part in this work, and if it is said that we do not care for the Army and its reputation, I reply that the honour, reputation, and efficiency of the Army, are as dear to me as they are to any hon. Gentleman opposite, including my hon. and gallant Friend who is to move the rejection of this Bill (Colonel Alexander). My hon. and gallant Friend is going to move that the Bill be read a second time this day three months, or six months, whichever it may be. I am sure that, whatever he does, will be done as everything he does is always done, *bond fide*, and in the most straightforward manner; but, having known him for 30 years, and knowing that he has spent the larger portion of his life in the Army, I may say that although, perhaps I may not be imbued with the military ideas he entertains, I have the advantage over him with regard to civilian views, which, in this House, are almost the only views upon which we act. There has been a good deal said about the position which women have taken in this matter, and upon this point I will say, that in common justice, at least, when we hear of women being attacked for meddling with these Acts, we are bound to admit that if women had not begun to interfere for the liberties of their own sex, however low or degraded they might be, the men would never have taken up the subject at all. The fact is, that many of us have neglected our duty in this matter, and so far from the women being blamed, they are to be greatly praised; while the scurrilous remarks that have been made about them are only disgraceful to those who have made them. Some women

have taken up this subject, whose spotless reputations and great abilities are quite sufficient answer to those cynical gentlemen who believe in nothing but their own philosophical materialism. Amongst them are ladies who have been highly nurtured and highly educated, and who have had much more reluctance in touching this subject than any of us, and if, under these circumstances, they have come forward to do their duty to their country-women, I do not think that we should censure them. Turning to another point, I may say that amongst the remedies that have been employed for increasing the efficiency of the Army, the House should remember the measures of a sanitary nature that have been adopted with such good results for a good many years. Within my recollection there was a most disgusting want of facilities for cleanliness and sanitary purposes in the Army, such as would not have been tolerated in any other civilized country. Why, there used to be nothing for the men to wash in except the urine tub, which stood in the front of the road. Now, however, all these things have been improved. Every facility has been given to the soldier for improving his condition, by the establishment of libraries, &c., and better arrangements for cleanliness. These things, I contend, really have had a great deal to do with the improved health of the Army. I now come to the question of reclamation. Many people hold by the idea that these Acts are doing a great moral work. ["Hear, hear!"] I think my hon. Friend opposite believes this thoroughly. He is fully persuaded that these Acts are doing a great deal of good, and, of course, as he belongs to the Home Office, he would naturally back up its officials. [Sir HENRY SELWYN-IBBETSON said, it was not from him that the cheer came.] I did not impute to the hon. Baronet that he is capable of holding that view. But there are those who say that these Acts have a reclaiming effect; that the streets are quieter since they have been in operation, and that numbers of women have been reformed. If so, the figures which show the results are very scarce; and, for my part, I believe that where these reclamations are said to have taken place in consequence of these Acts, there has been nothing but hypocrisy. No doubt, opportunities are afforded to the

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metropolitan police of finding out and reclaiming women; but they do not try to reclaim them. They may put out their hands—and they are quite right in so doing—to warn them off the streets, and they may recommend them to go back to their families; but when I hear of these wholesale reclamations, I say that there are no powers in the Acts providing for the reclamation of these people. The only means of doing this are those which certain Rescue Societies provide. It is said that the class of women thus said to be reclaimed are the better for having been under the operation of these Acts. If, however, they were to be summoned to a Committee-room of this House, it would be seen that this was not the case, and the Committee would arrive at an opposite opinion. The very fact of their having been on the register has rendered it almost impossible to reform them. There are homes which have been provided for them both before and after the passing of these Acts, but they are provided by voluntary subscriptions. This is so at Portsmouth. There was, I believe, a power of sending women to these homes, and I really do not know whether the expense of sending them there appears in the Estimates. It cannot be denied, I think, that one result of the examination of those unhappy women is, that they become more and more hardened, and therefore less and less susceptible of good impressions. They may be improved in appearance and become more prosperous, but they are more hardened, so that prostitution cannot be lessened by the periodical examination. I will not go to other statistics, but will take those of foreign countries. The Prefects of Paris and of the Hague state that clandestine prostitution is constantly on the increase. The physician of the first hospital in Austria states that there is in his district no diminution of prostitution whatsoever. In Paris clandestine prostitution is spreading. Mr. Wolferstan, the house surgeon at Devonport, stated in his evidence before the Royal Commission that he was entirely opposed to the present Acts, because they failed to effect any improvement in the health of the soldiers and sailors, while they greatly increased clandestine prostitution. What does the matron of

She says that the moral  
is remarkably small

—that one in four may be doing well; while the matron at Devonport says that the Acts do little permanent restoration. The chaplain says that—

“Advice does little, because it is of a compulsory character; in fact, these women know just as well as we do that they are not imprisoned from motives of kindness, but to give security to men: and you cannot effect your purpose by these Acts, which by attempting on the one hand to remove the consequences, on the other hand directly stimulate the cause.”

You may cover it with the cloak of a spurious morality or with a coating of State varnish; you may make it more specious, but you cannot make it more moral or more worthy of the consideration of the people of England—and who, I would ask, are in favour of those Acts? They are opposed to the feelings of the great religious bodies of the country. You may perhaps say that they are fanatical. Well, that will come with ill-grace from the hon. Gentlemen opposite who have fought for religious education. Sir, I have presented numbers of Petitions from English clergymen in the five northern dioceses, numerous signed. I do not say that they were all against those Acts, but I do say that many of them were, and that they manifest a growing feeling against the Acts. I will take Cardinal Manning, I will take the leading Baptists, hundreds of Congregational ministers, almost the whole of the Wesleyan body, the Society of Friends, the bulk of the Scotch Churches, the United Presbyterians, and the Scotch Free Church, and other bodies for whom Petitions were presented to-day by my hon. Friend the Member for Edinburgh (Mr. M'Laren), who stated that they represented the great bulk of religious feeling in Scotland. I do not know what the mind of all my hon. Friends at this side of the House may be; but as far as I can judge, Roman Catholic Members cannot be favourable to Acts of the kind. And, moreover, the feeling against them is not confined to the country. To my knowledge there is a very widespread feeling against them over the whole of Europe. The evidence on this point goes to show, beyond doubt, that public opinion in the great towns and cities of the Continent—where there is public opinion—is decidedly against such laws. That feeling exists strongly in Italy and Switzerland. Only yesterday I read a letter from a former President of the



Federal Chamber, in which he says that public opinion must come round by degrees against such Acts, for that to legalize prostitution is repulsive to the feelings of the people. Well, then, the question is—What is to be done? What do our opponents propose to do? I say this boldly, that I consider it to be the duty of the State, in all those districts where the course of circumstances brings together a large body of men, under peculiar circumstances, there it is the duty of the State to contribute to the hospitals. I am not going to say that because the disease is caused by immorality, therefore it ought not to be cured. That would be repugnant to common sense; and I say that wherever the peculiar circumstances to which I have referred exist, Lock wards ought to be attached to the hospitals. I do not know where you could get local authorities to do so; but if it came before me as Chairman of a Board of Guardians, or local sanitary authority, I would urge the matter upon them. I would say you must not shut your eyes to the fact that this disease exists; try to improve the condition of those who are subject to it, by laying before them the highest lessons of morality, but do not shut your eyes to the fact that the evil exists, and where it exists make provision for the lessening of it. And, moreover, there is voluntary effort to be made available, which exists in all the Churches, and which is never called upon in vain for any great or philanthropic cause. Look at the range after range of hospitals which it supports, and has for 40 or 50 years supported in London. Funds they often want, but the want is speedily supplied, and now we have the special effort put forth on Hospital Sunday on their behalf. In voluntary effort you will find an enormous reserve of philanthropic charity, and that not only for cure but for reclamation and prevention also. I know that not very far from me there resides one person who has given up almost every luxury of life for the sake of reclaiming and maintaining those poor women. And I know many persons who have deprived themselves of a great deal, and made many sacrifices in the same excellent cause. Societies of such persons are increasing in every town and city in the country, and, in some respects, I do not lament that those Acts have been passed, because their ineffi-

cacy has been shown; and it has been demonstrated that the work of reclamation and cure—the work of improving the morals of the people—really must be done through the medium of voluntary effort. Sir, those Acts must be repealed. I do not care how many may vote with us to-day. That is, I had almost said, a matter of indifference to me. This movement is only beginning. We will go on with it. We have made up our minds to do so. We have not only advocates on this side of the House with us, but we have good advocates with us on the other side also. I say that those Acts must be repealed, because they are injurious to private liberty and public morality, and repulsive alike to Christianity and civilization. I beg, Sir, to move the second reading of the Bill.

Motion made, and Question proposed.  
“That the Bill be now read the second time.”—(*Sir Harcourt Johnstone*.)

COLONEL ALEXANDER: If I cannot hope to imitate my hon. Friend the Member for Scarborough (*Sir Harcourt Johnstone*) in the clearness and perspicuity of his language, I will at least endeavour to follow his moderation. It is frequently said of questions debated in this House that they are not Party questions, but this is pre-eminently the case with the important subject which we are invited to consider to-day. The Acts of which my hon. Friend proposes the repeal were passed with the assent, if not the approbation, of both Parties in the State, and therefore whatever either of praise or blame attaches to this legislation, both Parties must share in an equal degree. I therefore respectfully invite hon. Gentlemen sitting on both sides of the House to consider in all its bearings this momentous question, and to reflect that the vote they give to-day may involve the happiness or misery, not only of the present, but of generations yet unborn. I can assure my hon. Friend the Member for Scarborough that reciprocating the spirit in which he has spoken, not one word shall fall from me reflecting on the character or motives of those who feel it their duty to advocate the repeal of these Acts. How could I, indeed, impugn the motives of hon. and right hon. Gentlemen whose names are on the back of this Bill, who are among the most respected and honoured Members of this House? And, Sir,

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having read the evidence taken before the Royal Commission on which were associated three distinguished Members of this House, I desire to record my opinion that those witnesses who bore testimony adversely to these Acts, could not do otherwise than protest against their continuance. If, Sir, I might be allowed to single out one of these witnesses whose character and conduct entitle her to the highest admiration, it would be Mrs. Butler. Till I read, Sir, the evidence taken before the Commission I had formed no conception of the nobility of this lady's character. For 15 years prior to the passing of these Acts, she and her husband had received into their house at Liverpool poor outcast women as friends. She had taken them in as patients when ill, keeping them in her house till they died. "Our house," she says, "is a small refuge for them—sometimes five of them living together." If we had more women of this stamp, perhaps these Acts might not be so necessary as I humbly conceive them to be. When I say necessary, I do not pretend to defend all the details of the Acts, some of which are doubtless capable of amendment in the direction pointed out by the Royal Commission; but I do hope to make good their principle against the objections advanced by my hon. Friend. First of all, the hon. Baronet and those who think with him assert that the Acts legalize, sanction, and, in fact, recognize the necessity of prostitution. Sir, if I thought that such was their effect, I would not utter one syllable in their defence, but would use my utmost endeavour to sweep them from the Statute Book. But my hon. Friend, as I conceive, misinterprets these Acts and their effect. What was the position of prostitution in this country before this legislation was enforced? Hon. and learned Gentlemen will correct me if I am wrong, but I believe that prostitution *per se*, although, perhaps, theoretically, was practically not an offence. If, however, the prostitute behaved in the streets in a riotous and indecent manner she brought herself within the provisions of the Vagrant Act, and the Police Clauses Acts in towns further authorized the punishment of those women who solicited passers by so as to cause annoyance. Thus far it may be said that the State recognized the existence of prostitution not as a neces-

sity, but as a painful fact. It said to those unhappy women—"We know what you are—we are aware of your occupation, but we will not disturb you so long as you behave decorously and do not annoy passengers with solicitation." Prostitution was, in fact, regulated, although not legalized or sanctioned. Now, my hon. Friend will not, I think, deny that the principle of regulation being conceded, the State if it thought necessary might add to and supplement the regulations already in force. The State, then, finding an evil existing in our garrison towns and seaports, compared with which the annoyance caused by riotous behaviour and solicitation was petty and unimportant, said to the prostitute—"We do not recognize you more than before, but we must place you under further regulations; and if you insist on carrying on your immoral occupation we must take care that you do not communicate horrible disease to our soldiers and sailors. To do this effectually we consider periodical examination necessary, and if you should be found diseased detention in hospital. During that detention you will not be subjected to undue restraint. Chaplains, medical officers, and matrons will minister to your spiritual and temporal necessities. You will be brought under the influence of humanizing agencies, and if disposed to reform you will be placed in situations or restored to your friends." Will my hon. Friend tell me in what way these regulations recognize prostitution more than it was recognized before? Mrs. Lewis says she objects to the Acts because her Bible says "Make not provision for the flesh to fulfil the lusts thereof;" but let me ask Mrs. Lewis and her friends whether the State does make any such provision? On the contrary, it unfortunately finds the provision already existing and seeks by regulation to render it as innocuous as possible. But it may be said, indeed has been said, especially by Mr. William Fowler, formerly a Member of this House, and who moved the repeal of these Acts in 1873—Why are these Acts restricted to garrison towns, camps, and seaports? My answer is, the State may be said to stand *in loco parentis* to our soldiers and sailors, and when it locates simple country recruits in camps, where the disease is rife, is bound to protect them against its horrible ravages. Mrs. Butler says—"This legislation is

abhorred by the country as a tyranny of the upper classes against the lower; but, to my mind, when you take measures to protect a simple country lad who often falls into temptation when under the influence of drink, you are legislating rather in favour of the poor than of the rich. Again, Sir, it is urged that in subjecting women to compulsory examination and detention you are violating the principle of personal liberty. The Rev. Mr. Kells, a Baptist minister, said—

"He considered the privileges of the British Constitution violated, and Magna Charta in abeyance, for women by the compulsory examination under the Acts."

And Mr. Cooper, Secretary to the Rescue Society, who is now engaged in active agitation against the Acts, testified before the Commission—

"That it was an unjustifiable invasion of a woman's liberty to bring her forcibly to hospital and detain her till cured."

But let me remind these gentlemen and others, that if this is a violation of Magna Charta similar violations of it are taking place daily and hourly. No person ill with small-pox would be allowed to leave a hospital uncured, and there is a clause moreover in the later Poor Law Acts enabling guardians to detain paupers in workhouses when labouring under contagious diseases. I now come, Sir, to a very important objection urged against the Acts—namely, that the compulsory examination and its attendant circumstances further degrade and harden these unhappy women. I will not dwell on the charges of cruelty brought against the medical officers when conducting the examination, because the Commission, I think, expressed itself satisfied that these charges had been completely disproved, and that a nurse was invariably present in the room. With respect to the degradation or supposed degradation involved in the examination itself, some conflicting evidence was given before the Commission. Miss Lucy Bull, the Matron of the Royal Albert Hospital, rightly described by the hon. Member for Sheffield (Mr. Mundella) as a most important witness against the Acts, "considers the periodical examination demoralizing and objectionable;" but I must remind the hon. Gentleman that the witness parts company with him at that point, because she would revert to the examination prescribed by the Act of 1864, which he

and the right hon. Gentleman the Member for South Hants (Mr. Cowper-Temple) rightly think infinitely more objectionable than that legalized by the Act of 1866. Mrs. Kells, a most respectable witness, the wife of the minister from whose evidence I have already quoted, stated—

"The girls had told her that the examination was taking all modesty and self-respect out of them; that they never knew what indecency was till they submitted to this examination."

A statement which one of the Commissioners naturally followed up with the question—

"Are you not aware that in following up this vicious life, these women are in the habit of submitting themselves to three, four, and five men in an evening? Do you, as a woman, think that a fellow-woman who lives by doing this can talk of anything else having driven modesty out of her?"

To which the answer was—"Yes, they have their own conventional ideas." On the other hand, we have evidence to prove that what the women dislike is not the examination, but the detention in hospital if found diseased; and Dr. Barr, the visiting surgeon at Aldershot, says the only objections made by women were such as the following—"Well, Sir, my clothes were not quite dry, and I could not get my clothes perfectly clean, and I do not like to come up without." Nevertheless, Sir, I am quite willing to admit that there is "in the lowest depths a lower still," and I concur with that excellent woman, Miss Farrow, Superintendent of the Lock department at Portsmouth, and formerly seven years Matron of the Bristol Home, who thinks the periodical examination "a great blessing, having seen the want of it at Bristol." I concur with her in opinion, when she says—

"I never met a woman but that I found there was some good in her not quite gone; I never met a woman of whom I could say she could not be made lower."

Well, Sir, I say it is judicious, is it kind, to encourage such a woman in the notion that she is degraded by examination? Is it not rather the part of true friendship to point out to her that she is defiled and degraded—not by examination—but by the sin which entails the necessity of examination? Moreover, as Lord Hampton and six other dissentient Commissioners observe—

*Colonel Alexander*

"It is in the power of any woman to emancipate herself from examination, by resolving to abandon her vicious ways."

With regard to the circumstances attending the examination, I think it was proved that in one or two places—as, for instance, at Portsmouth—it was held at an inconvenient place and hour; that is, however, a matter of detail, which can easily be rectified; but when the hon. Member for Sheffield (Mr. Mundella) talks as he did, two years ago, of women being driven up to the examination room by men, he forgets that a very competent witness on his own side entirely contradicts the assertion. Mrs. Kells told the Commission—

"For two or three months I attended every day, from the beginning to the close of the examination, in a shed constructed for that purpose. I received girls who chose to come and speak to me. I never, except on one occasion, saw a man accompanying a girl."

But, Sir, would it be possible to dispense with the examination without neutralizing the advantages contemplated by the Acts? Many of the most competent medical witnesses depose that examination is the essential feature of the Acts. Mr. Lane, the Senior Surgeon of the Lock Hospital, in London, who has been connected with it since 1846, in reply to a question whether compulsory detention in hospital would not be sufficient without compulsory examination, replied—

"I think it would be very unfortunate for the women to deprive them of the advantages of the examination, that their diseases may be discovered at the earliest possible time," and added, "If I thought compulsion unjustifiable, I should object to it quite as much at one end as at the other," and further, "It appears to be trifling with the evil to close one end and leave the other open."

Before leaving this part of the subject, I may say that I am in favour of the examination, at stated intervals, of soldiers and sailors—in fact, such examination has always been carried out in the regiment to which I have the honour to belong. With regard to the suggested examination of men in civil life, Mr. Lane gives a decided opinion that it would be both impossible and impracticable. The fact is, there is no corresponding class among men—at least, I hope not. Only one witness before the Royal Commission hinted that there was. If there is, all I can say is, let such men be sent not to be

examined, but to penal servitude. Mrs. Butler, indeed, tells us she had heard that the solicitation by men in Glasgow was fearful, but she fortunately explains her meaning by saying that she was herself, on one occasion, so solicited in that city. Well, she might, I imagine, have given her assailant into custody, and no special enactment is therefore necessary to meet that case. Mr. Thomas, the Secretary of the London Female Preventive Institution, whose name is appended to the Papers denying the correctness of Captain Harris's statistics, would have every man examined

"Who walks with more than one woman, and that every man who cannot prove that he does not go with any woman other than his own wife should be placed under surveillance;"

but he scarcely appears to see that for such a law to be equal it must be made applicable to many women beyond the limited class who live on the wages of sin. Another important objection urged against the Acts is, that by making the women more attractive and safe you increase immorality among men; but it is alleged by more than one witness—and my own knowledge of soldiers enables me to confirm the allegation—that they are, as a rule, very unlikely to make such nice calculations. Admitting, however, the existence of some isolated cases, are they not more than counterbalanced by the improvement which takes place in the poor woman's condition; it is the *mens sana in corpore sano* which alone possesses the power to receive and retain good impressions. Mr. Lane mentions a remarkable instance of a woman who was 20 times admitted to hospital and at last reformed—"Of all the women we ever received," he adds, "this was the most unpromising." The greatest error into which almost all the witnesses before the Commission, adverse to the Acts, fall, is to speak of the woman's detention in hospital as a punishment. Why, Sir, you cannot possibly confer upon her a greater advantage. Is it a punishment to place her under the care of a Miss Farrow, who reads to the girls on Sunday afternoons, and to whom the girls frequently say—these are her own words—"We wish you were not going out to-night that you might come down, and we might sing and have some reading." These are the girls of whom this excellent woman says—



"They are not girls with no reason in them. I think they are very much better than the world takes them to be."

The Report of the Commission does not use the language of exaggeration when it speaks of Miss Farrow, and other matrons, as "being animated by a benevolent zeal for the work in which they are engaged." I will not weary the House by enlarging on the deterrent effect of the Acts upon girls and married women. The evidence is very strong that they are, as the Report observes, "restrained from indulging in occasional licence by fear of the Acts." Mr. Wolferstan, a surgeon engaged in the administration of the Acts, but opposed to them, acknowledges that "the Acts have a deterrent effect in preventing women from becoming common prostitutes." I will only cite one instance from among the numerous interesting cases mentioned in the Report of Captain Harris—

"On 5th July, a married lady was found by Police-constable Disberry, in a brothel, in Pond Lane, Devonport, with a gentleman. She left at once on being spoken to. She came next day to the inspector, and thanked him for informing her as to the character of the house."

It is difficult to express a decided opinion respecting clandestine prostitution, and it must, more or less, always exist; but there is abundant proof that solicitation has greatly diminished, and that one temptation to vice is thereby removed. Although juvenile prostitution has, I believe, considerably decreased, it might be still further diminished were more stringent measures directed against brothel-keepers, when found harbouring girls under 16 years of age. Mr. Wreford, the Superintendent of Local Police at Devonport, disputes the accuracy of the Return relative to juvenile prostitution, furnished by Mr. Annis, the Inspector of Metropolitan Police; but the fact is, the local police have never been in a position to know anything about the matter. The only member of the local police who pretended to any knowledge was obliged to admit at an investigation that his figures were entirely incorrect. Mr. Wreford's evidence before the Commission was not satisfactory, because he admitted that, although figures furnished by himself, and afterwards discovered to be incorrect, were made use of at a public meeting, he did not deem it necessary to offer any explanation. With respect to

*Colonel Alexander*

the women known at Aldershot as "Bushrangers," and at the Curragh as "Wrens," the effect produced by the Acts is perfectly marvellous. Dr. Barr, who went to Aldershot from the Lock Hospital in London, testified that—

"The women were very dirty—in fact, filthy, covered with vermin, like idiots, in their manner, very badly diseased; they almost burrowed in the ground like rabbits, digging holes for themselves in the sandbanks. They were, at first, very violent, but I reasoned with them, and the chaplain seconded my efforts, and very shortly afterwards they began to improve."

And with regard to the disease, Dr. Barr says—

"There has been a very remarkable diminution in the severity of the disease at Aldershot."

And the Matron at the Kildare Hospital speaks quite as hopefully of the "Wrens" at the Curragh, who were, if possible, worse than the "Bushrangers" at Aldershot. And now, Sir, will the House allow me to say one or two words on a most important—I may say vital—point. I mean the transmission of disease. Sir James Paget remarks—

"It would be difficult to overstate the amount of damage that syphilis does to the population, and that a number of children are born subject to diseases which render them quite unfit for the work of life."

Mr. Lane says—

"The amount of secondary disease has certainly diminished, and unless there is secondary disease, there is no fear of transmission."

But the Medical Officer of the Privy Council observes—

"There are strong reasons for believing that the gain so purchased (by the Contagious Diseases Acts) would, on analysis, be found to belong very predominantly to those kinds of venereal disease in which the community has little or no personal interest."

Now, we all know that Mr. Simon is a most excellent and public officer, but *ne autor ultra crepidom*. I do not depreciate Mr. Simon when I say that, on such a point, Mr. Lane's opinion is infinitely more weighty. Mr. Lane was asked whether he agreed with that statement—

"No; I do not," he replied. "The most serious affections have been the most influenced by the Acts, and I cannot help thinking, if the Medical Officer of the Privy Council had seen much of the practical working of the Acts, he would not have made the statement quoted."

Why, Sir, at that very time, Mr. Lane had a case in the Lock Hospital of a girl, aged 22, who had been a year



diseased, literally from the crown of her head to the soles of her feet, and through no fault of her own. She contracted the disease in nursing the child of a friend. She kissed that child who was diseased, and had secondary spots on its mouth, and got a sore on her mouth with the awful result described. The child had got the disease from the mother who was infected by her husband. In the papers published by the opponents of the Acts, it is urged that you do not protect the children of parents who have small-pox; certainly not, for the obvious reason that small-pox is not a transmissible disease. But it is urged all the good you effect will be produced equally well by voluntary exertions. I do not deprecate the erection of voluntary Lock Hospitals; but let me ask my hon. Friend what is the difference in the sin, if it be a sin, of establishing Lock Hospitals supported by the State, and of establishing Lock Hospitals supported by private individuals? Will he define the distinction—a distinction as it appears to me without a difference—between sin committed by an individual and sin committed by an aggregate of individuals termed the State? Mr. Berkeley Hill informs us that he treats several hundreds of women as out-patients at the Lock Hospital, and as he phrases it “patches them up.” Surely, the opponents of these Acts ought to oppose this “patching up,” for, from their point of view, it must render sin more attractive and also more safe. But, Sir, it will be a long time before you are able to provide sufficient Lock accommodation—

“There is,” says Mr. Lane, “the greatest difficulty in getting funds. The London Lock Hospital has very influential support and very energetic management, and yet it is almost impossible to keep 30 beds going. The accommodation in London and most large towns for venereal cases is very small;”

but still it would appear in some cases more than equal to the demand—for

“At Winchester,” he adds, “there was a ward for this disease at the Hospital there; for years past it has been unoccupied, and no patients have gone in on the voluntary system, although when the Acts were applied to Winchester, no less than 43 per cent of the women examined were found to be diseased.”

Then, Sir, Mr. Lane observes—

“Disease on the voluntary side is very much more severe than that on the Government side. The contrast is very remarkable.”

And the reason for this is, he says—

“Patients on the voluntary side, as a rule, are not admitted till the disease has reached a very serious state.”

The reason why I quote Mr. Lane so much is not only on account of his eminence in the treatment of this disease, but because he has under his care both voluntary and Government patients. He says about one-fourth of the voluntary patients leave the Hospital uncured and in a condition to communicate disease, and he thus succinctly sums up the disadvantages of the voluntary system—“It acts badly at both ends; they will not come in soon enough or stay in long enough.” Of the admissions on the Government side in 1868 nearly half of them were girls not more than 20 years of age. Just conceive, Sir, the unspeakable blessing to these poor children of being thus placed under the care of able physicians, instead of being treated by quacks in brothels. I have the greatest admiration and respect for Bible women and Mission women who try to effect the reclamation of women by seeking them in brothels; but it is quite evident that they cannot hope successfully to compete with chaplains, medical officers, and matrons in well-appointed hospitals. An hon. and gallant Friend, uncertain how to vote, told me some days ago his decision would be made by the way in which these Acts had affected the health of the Army. He must be gratified by the Return which he received on Saturday, than which nothing can be more satisfactory. As the Paper is in the hands of hon. Members, I will only say that whereas 1874 appears to have been an exceptional year, when the decrease in the ratio of admissions for the more serious type of disease at the unsubjected groups was unusually large, the relative position of the two groups, however, is still maintained, that of the subjected having a ratio of less than the half of that of the groups at which the Acts have not been applied. The Report alludes to the Royal Warrant of October, 1873, empowering commanding officers to deprive soldiers of their pay when in hospital through their own misconduct—a Warrant for which we ought to be grateful to Lord Cardwell. Hon. Members may, perhaps, not be aware that soldiers may also be kept 28 days in barracks for concealing disease, and the double penalty inspires considerable dread. Regarding the relative amount



of disease in the British and Foreign Armies, some interesting statistics are furnished by Mr. Acton, who has paid great attention to the subject. He visited Paris and Brussels last year, and in the latter place, in a body of 3,500 men, he found only five cases of primary syphilis, and in Paris 14 cases in all, among 3,841 men forming six regiments, taken at random in the garrison of that city. In the same year Mr. Acton visited the hospitals of the brigade of Guards in London, and found one-fifth of the whole force suffering from primary syphilis. Thus one battalion of 500 men in London showed more disease than 3,841 troops forming part of the French garrison. I am really sorry to trespass on the patience of the House, but I must allude to the charges which from time to time have been made against the police. The charges produced before the Commissioners were thoroughly investigated, and the Commissioners report—

"We have made inquiries into every case in which names and details were given. The result of our inquiries has been to satisfy us that the police are not chargeable with any abuse of their authority, and that they have hitherto discharged a difficult duty with moderation and caution."

I wish I could stop here. I wish my hon. Friend had not introduced into this debate the name of one who is now no more. But, while we ought not recklessly to recall the weaknesses and failings of the dead, we cannot leave unrefuted attacks on the character of the living. Inquiries which I have made into the circumstances attending the death of Mrs. Percy have satisfied me that she was not quite the immaculate person my hon. Friend supposes her to have been. I understand that during the life of her late husband she led, to his great grief, a very immoral life, and that she trained up her daughter in the same evil way. After the death of her husband, she resided at Aldershot with one Mrs. Jewitt, who, however, gave her, as well as her daughter, notice to quit, because a sergeant of the 78th Highlanders was found in the house about half-past 11 o'clock. They then lived with a Mrs. Davis, who soon followed Mrs. Jewitt's example, because two soldiers remained with them all night. They then took up their abode immediately opposite the residence of one of the metropolitan police constables,

who on the night of March 8th saw them with two soldiers—Private Miller, of the 47th Regiment, and Corporal Hogg, of the 84th Regiment. The men were acting indecently both with mother and daughter. At midnight on the 9th of March both women went home, accompanied by two men in plain clothes, one of whom entered the house and remained till nearly noon the next day. It was then decided to bring them under the Acts; and they were ordered to attend for examination, but declined and left Aldershot. On March 13th a man named Ritson, who had three times deserted from the Royal Artillery and discharged as a bad character, called on the inspector and said that if Mrs. Percy was allowed to return he would undertake to live with her. The inspector replied that she and her daughter were at liberty to return. The mother returned and lived with Ritson at Aldershot, and as she lived with this one man she was never addressed by any member of the police force up to the time of her death. On the night of March 27th she left a public-house with a soldier of the 65th Regiment. He was stopped by the military police and sent back to his quarters. She was very drunk at the time and could hardly stand, and it was ascertained that she did not go home that night. The only person who saw her alive after that was a private in the Army Service Corps. He stated that he saw her the next morning on the towing-path on the other side of the canal. The jury, of course, returned an open verdict. These are the circumstances, so far as I have been able to ascertain, attending the death of the unfortunate woman, and I submit that the inspector of police showed moderation and forbearance in the discharge of his difficult duty. And now, Sir, is there any real demand for the abolition of these Acts? I have watched the numerous Petitions presented to this House against them, and have observed that by far the greater number come from the unprotected districts, where the effect of their operation is unknown. Sir, I am entitled to ask my hon. Friend what he proposes to substitute for these Acts? He will surely not be content with carrying their unconditional repeal! Does he intend to adopt the legislation proposed by Lord Alderdale, who although strongly opposing the Acts, unfortu-

*Colonel Alexander*



nately had not the courage of his convictions? If so, I venture to predict he will be abandoned by many of his followers. He may please Mr. Rylands, but will offend Mr. Jacob Bright. He will certainly not find favour with the gentlemen who drew up a long memorial or protest against the encouragement afforded to prostitution by these Acts, but inserted in the memorial a paragraph so ominous that I hope the House will allow me to read it—

“A large number of women who practise prostitution more or less continuously, but who have not adopted it as a profession, also resist registration. To be registered, and, if found diseased, to be forcibly carried off and imprisoned in a hospital would change the whole structure and arrangement of their lives; the relations which they have formed would be abruptly ended; milliners, dressmakers, sempstresses, domestic servants, &c., who eke out a precarious existence, or provide themselves with coveted luxuries in the form of dress, &c., by recourse to occasional prostitution, would at once lose their business connections, or, if in situations, would be discharged. Their characters would be lost, and they would find it impossible to reinstate themselves in their former positions in life.”

Sir, I really think this a remarkable plea in a memorial deprecating the Acts as favouring prostitution. Is the House prepared to repeal these beneficent Acts? Will it, in the face of the opinions of more than 80 of our most eminent physicians, take no thought for posterity? Will it allow this generation to beget children?

“Mox daturos

Progeniem vitiosiore[m]?”

More especially I ask—Will Parliament consign the poor outcast to life-long misery? Think of her as she once crouched and burrowed in the ground at Aldershot, calling out in her agony—“Do not touch me or I shall fall to pieces,” and of her as she now is in hospital, attended, sympathized with, and cared for. Think of her as she once crouched naked behind the bushes of the Curragh, and of her now clothed and in her right mind. I ask the House not to send her back to those dens of infamy where there is no eye to pity, and no arm to save. Violate, if you please, the principles of Magna Charta, but do not violate the commands or disregard the injunctions of One who took these poor women under His especial protection, and who taught us by His example to seek and save that which was lost.

Amendment proposed, to leave out the word “now,” and at the end of the Question to add the words “upon this day three months.”—(*Colonel Alexander.*)

Mr. HOPWOOD: Sir—I wish I had self-possession at my command to express in fitting terms the feelings I have upon these Acts, and to pass in review the many arguments which have been addressed to the House on the subject. I feel some apology is due to the House that I thrust myself into the matter at all, when I feel there are hon. Gentlemen here more able to do it; but I have this excuse—that I have for some years past devoted myself to this question, and was informed upon it to some extent in earlier life, when I was told that abroad they had an admirable system, that they provided against all the evils of irregular intercourse, and that it would be better for this country to adopt that system. But when it was urged that this vice was to be committed with impunity, and that the State was to recognize it, I confess I felt very indignant. I was rejoiced to hear the way in which the hon. and gallant Gentleman the Member for South Ayrshire (*Colonel Alexander*) has, with the courtesy belonging to the Service he is connected with, for the first time in this House, by an opponent of the Bill, done some justice to the motives of the excellent women in England who have endeavoured to stir up some feeling in this matter. If I have any right to speak on behalf of these women, they, I am sure, will recognize with satisfaction the appreciation which has been shown of the position in which they have placed themselves in this matter; and they had a perfect right to do it. Certain noble women of England felt that an act of duty was to be done; and they have done it with effect, and the effect is daily increasing on this question. The hon. and gallant Gentleman, in concluding a most eloquent peroration, alluded to the Divine Master, whose teachings are recognized in this House, as if in reproof of the course we pursue; but does it occur to him that there may be more difficulty in the matter than he perceives or appreciates? We desire to do all that is benevolent towards these women. We desire also to protect the liberties of other women, who might be involved with them. As far as I re-

member, these Acts involve any woman whom any policeman may, in his view, believe to be a common prostitute. She is then liable to be subjected to a surgical examination, which is accompanied by some pain. Would the hon. and gallant Gentleman say the doctrines of our Divine Master are against us in trying to stop this? It often happens that women who are ill, whether diseased or not, are liable to be detained in the hospital. "Oh!" but says the hon. and gallant Gentleman, "detention is no punishment!" I would like to ask him how he would like to be confined even in his own dining-room for five days? Is not detention a punishment? What is the fact? These Acts say, if any woman is in a natural condition and cannot be examined, detain her five days! "Oh!" says the hon. and gallant Gentleman, "that is keeping her from the streets; it is doing her good." When we say these things ought not to be done, we are told we are not fulfilling the commands of our Divine Master! Who is to define a common prostitute? The Act is directed against common prostitutes, and yet is there any definition of one? The hon. and gallant Gentleman says that acts of irregularity come under the cognizance of the police. How should the police be arbiters of morality and justice? Where are they authorized to do anything of the sort? The hon. and gallant Gentleman says they have no alternative but to put any woman on the register whom they believe to be a prostitute. These cases differ from the paternal Government of France in this—that in France a father, after he hears his daughter is to be put upon the register, has a right to come and take her away. These Acts of England do nothing of the sort, and yet we are setting up the police as a moralizing agency, to call up people who are masters of their own lives, and to warn them not to pursue the course they assume they are going upon. Police in plain clothes, who act as spies, are known by sight to the servant girls, who actually leave their friends or followers, and run in alarm from the spot. Why is this to be borne? Is it in the British House of Commons we are to be told that women are to be terrorized in this fashion, and that policemen are so to conduct themselves that they are to be terrors to those who are walking harm-

lessly about with those to whom they are most attached? I find the last Return has been specially manufactured for this occasion, and has been made to support these Acts. What do these Returns say of a benevolent policeman who met a married woman on one occasion and actually took upon himself to give her a warning. It relates with *naïveté* that she was dreadfully distressed. Now, what right has the police, what right has this House to engage in this matter of morality. [*Laughter.*] I see hon. Gentlemen opposite smile. I wish them joy of the feeling they have created. Again, in another part of this Return, a policeman actually warns a governess of 18 or 19 years of age, who had trusted somebody as she ought not to have trusted him. Again the officer steps in. What right has he to do so? Let me ask hon. Gentlemen in this House, if there are any such who have been guilty of acts of this kind—and let him that is without sin cast the first stone—if they would like a policeman to dodge about after them and put their names on the register? If any such attempt were made would not the streets be rife with violence? Death would be the penalty if such insults were put upon Englishmen. The hon. and gallant Gentleman says that this is not recognition of prostitution as a State institution. Is it not? Prior to this, every brothel in the land might be made the subject of a prosecution. What do you do now? On the face of it you say, the only offence we make by laws in regard to brothels under these Acts is, that if any diseased prostitute is found in them, the keeper of the brothel shall be fined. Under the old law, a brothel-keeper was liable to two years' imprisonment; now it is brought down to a fine. Brothel-keepers are told that if they will come and tell who is diseased, they shall be protected in their calling and occupation. Does not the State recognition amount to this? You set up a staff of officers at £50,000 a-year, and enable them to bring up every woman whom they say is a common prostitute, or who has been temporarily erring. It is true you have provided chaplains. Is not that a hypocritical homage paid to virtue? The hon. and gallant Gentleman says the work of bringing these poor women back from the paths of vice cannot be accomplished by voluntary action. Now, Sir, in allusion to that divine aspect of

the question of which we have heard, what is the fact with regard to these women? A woman is enrolled in this register, and what is the effect of that? Ask those who have seen the system in operation abroad, and they will tell you that the consequence is this—that, having once been placed on that roll, they feel that they have passed the gulf, or rather that they have fully descended into the gulf of despair as soon as the act of registration is accomplished. The evidence we have from abroad is that the hospitals provided for these unfortunate women are the vilest sinks that exist in the world, where the woman, who is not yet so debased as others, may be brought down to the lowest degradation that a woman can undergo; for there are shades of difference between the commonest of the common and the lowest of the low, and by this degrading confinement in these hospitals, you lower beyond hope of recovery those who have as yet perhaps but just entered on the verge of vice and who might otherwise have a chance of retracing their steps. But here all chance of that is gone. It is all very well for the police to say that there are some they do not put down on the register, and for hon. Members to say that when they are put down on the register, they can get off when they like; but I have proofs which show that it is the most difficult thing in the world to get off that register. Even marriage will not do it; nothing will do it. It is not enough to say that a respectable woman may, and does sometimes submit herself to examination. How can you draw a parallel between the two cases? It is absurd to draw a comparison between such cases, and I should be doing the hon. and gallant Member an injustice if I supposed that he could pretend to draw such a parallel. As to the treatment to which these women are subjected, do they not dread it? With reference to one case to which reference has been made, the hon. and gallant Gentleman has forgotten what transpired at the inquest; for, most distinctly, there was evidence that the woman was labouring under the fear of the Acts. She declared that they would lead to her end, and her end shortly followed. A woman may be a paragon of virtue, and yet liable to this sort of treatment. Why must it be assumed that everybody is a common prostitute? And yet such

is the effect of these Acts. Spy police are introduced into the protected districts—spy police, be it known, in plain clothes—to ransack the town. And what is the policeman's duty? Why, the moment he sees a woman in the streets who may be out a little after the time which the wisdom of the Legislature has fixed as the limit of morality, he is to pounce upon her. Workmen's wives, workmen's daughters—even servants—if they have occasion to be out beyond that hour, may be subjected to inspection. How else can it be? You cannot blame the police. Their duty is to make themselves masters of the situation, and to learn what is the course of proceeding of every woman in the place. How can you be surprised, then, if there should be mistakes? It is not for us to show you the mistakes. Who would be foolish enough to think of bringing up a woman from these protected districts, who had been falsely accused? Would they not rather prefer to go to the police, and beseech them not to spread such evidence about their character, not daring to do anything more in the matter? They might be women above suspicion, whom only the policeman has solicited; and would they care to have their names put to such uses? As to soliciting, there is no law of solicitation as between man and woman. There is no such legal power as to give a man into custody for it. It was sought by the Bill brought in by Mr. Bruce (now Lord Aberdare) to give certain powers with regard to solicitations by a woman, and it was proposed on the other hand to give similar powers with respect to solicitation by a man; but, though there is a general power to appeal to the police in a case of molesting, there is no power to prevent soliciting. Yet, in some of these protected districts you have gone to the extreme of harshness and severity, and the case of Mrs. Percy does not stand alone. From the reply to Captain Harris's Report, issued by the National Medical Association for the Repeal of the Acts, referring to the case of Elizabeth Jane Brown, who drowned herself under Plymouth Hoe, on the 1st of July, 1874, it appeared that—

"She had often complained of the harsh treatment she had met with from the police and the surgeon, and had once before attempted to destroy herself by cutting her throat, but had recovered from the wound. She had said that



rather than be compelled to submit to such treatment as she had met with in the examination room she would drown herself, and she did so. Rachel House, also, was put in solitary confinement in the Royal Albert Hospital, and committed suicide on May 28, 1869, by throwing herself out of the window; and Emily Mulcarty (*née* Moore) drowned herself at Millbay, on the 16th April, 1873. She was on the register at Devonport, and was married a few months prior to committing suicide, 'but had not been able to get her name removed from the register.' "

These were some of the cases which showed the effect of the existing legislation. The hon. and gallant Gentleman spoke of the deterrent effect of the Acts in question; but what was the theme of his panegyric? Not that it was a deterrent with regard to men, but that it was a deterrent with respect to women, from terror of going on the register. Reference was made by the hon. and gallant Gentleman to the case of Aldershot; but I had always thought, from what I have seen of the Articles of War and camp regulations, that there was already sufficient power to remove persons from the neighbourhood, at all events, that there was power to appeal to the police. It is all a question of order, and nothing is needed but to put in force the regulations which most of these localities already possess. With regard to the transmission of disease, nobody denies it; but the fact is, that our system is ineffectual to prevent it. With regard to the prevalence of disease, I venture to assert—and I can bear out the assertion by statistics—that before the Acts in dispute came into operation it had been rapidly decreasing. I can cite the authority of Sir James Paget, that it was become, comparatively, innocuous—that is, as compared with what it was 30 or 40 years ago. I can supply figures laid before the Royal Commission by Mr. Buxton, showing that the disease had been decreasing in the Army—I do not say in the Navy—for some years before the Acts came into force. We deny that the decrease has been due to the operation of the Acts. With regard to the dangerous form of the disease, I have to point out that, though the right hon. Gentleman has moved for Returns from the Army, he has not moved for Returns from the Navy; and if he consults the Blue Book, he will find, with regard to the Navy, that the attempt to deal with it has been a failure from beginning to end. With regard to the Army—

*Mr. Hopwood*

how are we to check it? The Returns are not reliable. Those who made them believed what they returned, perhaps; but, for the most part, they not only believed what they returned, but they returned that which they desired to believe. I will not put myself under any quorum of doctors, nor under a quorum of paid officials, who, more especially if they are policemen, never think they can have powers enough. I reject their statistics. I have already said with regard to disease that it was decreasing before these Acts came into operation, and I might cite, besides Sir James Paget and Mr. Buxton already referred to, the names of Dr. Brewer and Mr. Henry Lee in support of my case; but I will not detain the House longer. I congratulate the House and the country upon the altered tone of debate which is observable in this matter, and on the fact that no conspiracy of silence, no spying of Strangers has met us on this occasion, neither is it any longer necessary to deliberate on the question with closed doors—a question which it is admittedly our duty to discuss, and which I believe it is necessary for us at once and finally to decide. I look upon that as one of the best features in the present state of the subject.

Mr. STEPHEN CAVE thought the hon. Member who had spoken last (Mr. Hopwood) had hardly done justice to the House when he talked of the "conspiracy of silence," because it must be remembered that on two former occasions the subject had been fully and fairly discussed. He agreed that, however disagreeable the subject might be, it was the right and even the duty of the House to discuss it, and he felt certain when he saw into whose hands the advocacy of the repeal of the Acts had fallen, that there would be nothing in the language used to which exception could be taken. The hon. Baronet the Member for Scarborough (Sir Harcourt Johnstone) had shown, as might have been expected of him, that the question might be discussed without that intemperate language which augured a weak case; without imputing unworthy motives to those who differed with him, and without rendering it necessary that the debate should be conducted with closed doors. He hoped to follow that example. He could not complain of the question being again

brought forward, although it seemed to him that the arguments urged in favour of the Acts in 1870 and 1873 were unanswerable. But when we regarded the number of most estimable people who still objected to this legislation, we could not be surprised at their desire to make their arguments heard in that House. He could not, however, allow that the opponents of these Acts had a right to claim a monopoly of benevolence and high feeling, while attributing to others no higher motive than expediency. The opponents of the Bill also had mothers, sisters, and wives, and why should they have less regard for women? They numbered among their ranks at least as many who were well known for high and irreproachable character, and if expedience was talked of, would it not be pleasanter both for them as individuals and for the Government to earn a cheap popularity by yielding to a popular cry? He was glad that the hon. Baronet had cleared the ground by admitting his wish to stamp out the disease, if possible, by voluntary agency; for he simply objected to compulsion. But that was not the case with the great mass of the opponents of the Acts, judging from the communications which had reached him. They chiefly inveighed against the iniquity of making vice safe. But those who held these opinions must object as much to the voluntary as to compulsory treatment. Those who considered disease to be a Heaven-sent punishment for the terror of evil-doers must shut up the Lock hospitals, proscribe remedies, make the disease as terrible as in the Middle Ages, and gain for their results a population rapidly dying out, as in New Zealand, or as it was in Tahiti, before laws similar to these were enforced there. It was said—he hoped and believed truly—that a diminution in vice and disease had arisen from the better condition and higher character of the soldier, and hon. Gentlemen relied on higher motives for still further diminution. He hoped that reliance was not ill-founded, but if the diminution had been and would be due to these motives, what became of the other argument—that vice would increase in proportion as you made it safer. He would not stop  
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 they could judge for

themselves; but this one fact must be not lost sight of—namely, that the Army had fluctuated in members since 1860, that it was reduced in round numbers from 84,000 to 60,000 before 1866, and had since been increased to 85,000, and that disease was always far less during reduction, when there was little recruiting, and the worst characters were got rid of, and that it increased largely during augmentation, young recruits being especially liable to it. It must also be remembered that the calculations of their opponents were sometimes drawn from the whole of England, which were necessarily misleading, the number of protected places being but few, and that in 1866 the areas of many protected places, notably Devonport, was increased while the names remained the same; so that an apparent increase of disease was really due to the enlarged area to which the Acts extended. It seemed to him that the Government was bound to accept the statements of their own officers in preference to those of irresponsible persons or societies. Those officers were selected men, and liable to ruinous results if detected in false Returns. They had, therefore, no inducement to say anything but what was true, unless it was supposed that successive Governments had ordered the manipulation of Returns, which they of all people must desire to have as accurate as possible. Was it creditable that Governments should continue and defend the operations of their opponents, knowing that the results of those operations were injurious or illusory? Well, but from these Returns, made by responsible people, we were told that a saving to the Army of 648 men daily—not 50, as had been stated—had been effected; that bad houses were shut up, that women were withdrawn from the streets, and many of them prevented from appearing there again; that the streets were orderly and quiet, and when these results, which were long denied, could be denied no longer, were we to be told that these advantages resulted from ordinary causes, and that the Acts contained no provisions for these things, nor were they part of the original scheme? But, if so, why did we not get the same reports from unprotected places? He was not arguing now for the extension of these Acts over the whole country, nor defending their original intention, though it might



easily be done; and he might say that the Act of 1866 provided especially for moral and religious instructions in the hospitals by a clause originally proposed by the present First Lord of the Admiralty. What he did say was that the results of those Acts, as furnished by responsible officers, with every motive for accuracy, were such that no Government would be justified in repealing them. But, it was said, why not trust to a voluntary system? Why should Government recognize vice as a necessity, and why subject women to unconstitutional compulsion and detention unknown elsewhere and not applied to the other sex? That objection applied as much to the voluntary as the compulsory system, and those who used this argument of recognition of vice should go further and make prostitution illegal and subject to penalties. He did think the examination of men might be carried further. But it was forgotten that there was compulsory detention under the Poor Law of paupers afflicted with contagious diseases of whatever sex. He, for one, would much prefer the voluntary system if it could be carried out. We learned, however, that it was a failure, and we should expect it to be so from analogy. What was the principle of detention in reformatories? Was it not that those who had not strength to separate themselves voluntarily from bad company might, by compulsory separation, have a chance of reformation? Were not people in all ranks obliged sometimes to separate their sons compulsorily from bad associates? The result had been very marked in the case of younger women. Attempts had been made to show that women remained longer in a profligate course on account of the profit of the monopoly they enjoyed owing to the withdrawal of some of them by means of these Acts, and this argument was based on the fact that the average age was greater, but that was accounted for by the withdrawal of the younger, and if the argument were carried out to its legitimate conclusion it would point to a desire for augmentation of numbers, which would be a very curious position to be taken up by their opponents. It was to be expected that the older women were less easily reclaimed; they were, of course, the most dangerous to society; and when it was said that men were never innocent,

that might be true in a sense, but hardly in that in which it is used. If he remembered rightly there was a passage in the Book of Proverbs about "a simple one" and "a woman subtle of heart," which illustrated what he meant. No doubt, the system of reformation was imperfect, affecting those only who were fit inmates for hospitals. To be fully carried out it should sweep off all who were on the streets. This was the weak point; but he could only deal with what was possible. All who had had anything to do with the ticket-of-leave question knew that in the early days of the system there were constant complaints of people being dogged by the police, and thus prevented from earning a living. These complaints were sometimes heard still, and, without saying that there had been no foundation in them, no one would deny that they had been grossly exaggerated. He was warranted in saying the same of complaints made against the police employed in carrying out these Acts, because the Report of the Commission pronounced against the truth of the allegations up to that time; and with respect to a painful case which had occurred recently, and to which allusion had been made, he could corroborate the statement of the hon. and gallant Officer who had so ably spoken (Colonel Alexander), that an official report gave a very different complexion, both to the previous history of the poor woman and the probable cause of her sad end. It used to be said that women, however kind and charitable to the failings and miseries of others, were intolerant of the fallen of their own sex, that—

"Every woe a tear could claim,  
Except an erring sister's shame."

There was some now who had nobly wiped off this reproach, who had not thought that their purity could be sullied by penetrating the haunts of vice, and endeavouring to reclaim the degraded creatures who were the objects of these Acts. All honour to them for it; but while far from joining in the outcry against them, he doubted whether they were the best judges in such matters. Their own pure minds could not fathom the depth of degradation into which these poor creatures had sunk, and their generous feelings caused them to resent the apparent injustice which had in all ages, and for obvious reasons made the lot of erring woman harder than



that of the equally guilty of our own sex. They had, unfortunately, for these reasons set themselves against a system which he believed in his conscience was, if not the only one, at any rate the most powerful, which mere human agency could devise for the reclamation of fallen women. Their strong prejudices and overwrought feelings made them credulous and unsuspicious on one side, and very hard to convince on the other. When instruments were wanted, they were usually found ready to hand, and with motives not always so unexceptionable as their employers. When victims and martyrs were in demand, victims and martyrs would be forthcoming. In the heated atmosphere of public meetings, strong statements were accepted as facts, and hypothetical cases excited the indignation of a credulous audience as if they had really any existence except in the imagination of the narrator. The most modest demand for proof was looked upon as the proof of malignant hostility, so that for the advocates of the impeached measures to meet their adversaries on their own platform was impossible. But they did not shrink from meeting their opponents in the arena of that House. They relied upon a change of public opinion, tardy perhaps, but sure to come. Time was on their side. Even now the attack began to slacken, and many who were opponents of the Acts, while they confined themselves to reading what had been written against them, became zealous advocates when they had watched their working for themselves. For himself, if he believed that the motives of those who promoted these Acts were black as they had been painted, far from supporting, he would not like to sit on the same bench in that House with them. He believed that the benefits of these Acts were great to the country, and to that Army and Navy which were so necessary to its existence. But he would give up those benefits, he would let the soldiers and sailors take care of themselves, if he thought that such advantages were purchased by the injuries and degradation of women such as had been alleged by their opponents. It was because in his conscience he believed that the unhappy women who were brought under these Acts, so far from being degraded, were drawn from the depths of degradation, so far from being

injured, had the prospect of being restored to respectability—it was because he could not endure to thrust them back into the pit from which they had been dragged that he could not bring himself to agree to the repeal of this legislation.

MR. CHILDERS: The question before the House is not a very savoury one, or a subject which one would select for the expression of opinion, but I feel it to be almost a matter of duty on my part to say a few words upon it. First, because I do not quite concur in the view that has been taken by hon. Gentlemen on either side, and also because it was my lot to administer these Acts for between two and three years in two different capacities when I was at the Admiralty; and, so far as the Act of 1869 was concerned, to promote that legislation, altering, to a certain extent, the provisions of the Act of 1866. Under these circumstances, I think I am bound to state to the House the reasons for the vote I shall give on this question, and to justify the view I take as to the best method of administering this portion of our legislation in future. I would first, in a very few words, remind the House of what the history of these Acts has been. After the Crimean War broke out, when the Army and the Navy, or at least those portions of them which were to be found in our arsenal and dockyard towns, were increased, there arose a desire to improve the sanitary condition of the Forces, and that desire, which was promoted with so much zeal by the late Lord Herbert, induced the Admiralty to endeavour to do something towards checking the enormous amount of disease that prevailed both amongst our soldiers and our sailors. The result was the Act of 1864, which was based upon a very intelligible principle, differing in many respects from that of the succeeding Act of 1866. It established no register whatever, either with respect to our garrison towns or otherwise. It subjected prostitutes to no periodical examination, but simply established certain hospitals for prostitutes who might be found to be diseased, and empowered the magistrates on the information of an officer of the police, who had reason to believe that the particular woman or women in question were diseased, to have them sent to these hospitals. The Act of 1864 was followed by an inquiry

conducted under the direction of the Admiralty and the War Office; and in 1866, the Act which has been especially a subject of debate to-night was passed, involving a very great extension indeed of the provisions of the Act of 1864. Under the Act of 1866 we practically established in districts considerably larger than before, a register of all persons who might be called prostitutes, and were found in those districts, and compelled all those persons to appear once a fortnight for examination to see whether they were diseased or not. In the latter Act, as in the former, but more effectually, penalties were imposed on persons, not for harbouring prostitutes, but for harbouring prostitutes found to be diseased. The Act of 1869 was virtually an extension of the provisions of the Act of 1866, which had been found to be very imperfectly operative, because it only applied to garrison towns and great military stations. The Act of 1869 gave a very great extension to those districts—enlarging them to a considerable distance from those towns and stations, because it was found that if there were such places within reach of those towns and stations those who wished to engage in prostitution there could easily do so, the prostitutes must be reached from those centres. The Act of 1869 led to the appointment of the Commission of 1871, which proposed very large alterations indeed in the Acts of 1866 and 1869. They declared, practically, that the system of the registration and periodical compulsory examination of prostitutes was a failure. They distinctly recommended that it should be discontinued, and that we should revert to the Act of 1864, which established no such periodical or compulsory examination whatever, excepting in the case of prostitutes known or informed against as being diseased. The Commission also recommended that it was desirable to take the administration of the Acts out of the hands of the War Office and the Admiralty, and place it under the Home Office. They proposed that these provisions should be extended to all parts of the country, excepting London, or to those towns to which the inhabitants expressed a desire that they should be extended. The Commissioners made strong recommendations in the direction of increasing the penalties imposed on those who harboured prostitutes, or otherwise

offered facilities for prostitution in the places to which the Acts applied. These were the recommendations of the Commission of 1871, and I venture to say that these recommendations pointed to an entire revolution in the system which was then in force. Practically, they advised the repeal of the whole of those Acts which had been the subject of public controversy, and recommended we should go back to the much more simple provisions and non-compulsory character of the Act of 1864; and I say that that was a wise proposal. Now, upon that, the Government was called upon to act in 1872. I was not a Member of that Government, and therefore can speak with perfect impartiality of the proposals which were then made. What were those proposals? The Bill of 1872 proposed absolutely and entirely to repeal the Acts of 1864, 1866, and 1869. No part of these Acts was to remain; no provision of these measures, with one exception, was to remain in operation, though specially referring to the garrison and dockyard towns. It was proposed that the whole of the Three Kingdoms should be under one uniform law, and have the same means of restraining disease. The one provision that went in the direction of the Acts of 1864, 1866, and 1869, was, that any prostitute who was found to be diseased might be sent to hospital. These were the provisions of the Bill of 1872. The House will see that the Report of the Royal Commission went to take the life altogether out of the Acts of 1864, 1866, and 1869; and the Government followed up that Report by recommending that those Acts should be repealed, and that the whole country should be brought under one law on the subject. That being the short history of the Acts, I will make a few remarks as to what has been said to-day and on former occasions as to the operation of those Acts of 1864, 1866, and 1869. I will allude to some points to which I do not think that full justice has been done with regard to those Acts. I took it upon me, with the assistance of officers, not long ago to investigate what was a special subject of controversy, and that was the actual working of the Acts in the districts where they have been in force, and it appears to me that the statistics which have been published by the Government on the authority of the

police, have not been effectually broken down. In several respects I think that the operation of these Acts has been successful. I will not say so successful as those who have acted on these statistics may be inclined to think; there may be, and no doubt there are, some defects; but I do say that in respect of several of the most important points, those statistics which have been produced, and on which the War Office and the Admiralty have acted, have not been broken down. Being in possession of the facts on this subject, I should say distinctly that the number of young girls giving themselves to prostitution—the worst form of prostitution—has decidedly been reduced, and large numbers have been returned to their homes—large numbers, indeed, who, but for the operation of these Acts, would not have been returned to their homes. I will go further. So far as I can judge—though in this respect, there is the most extraordinary discrepancy between the statistics furnished by or supplied to the police, and those which appear in the official volume of statistics—I believe that the number of disorderly houses in the districts affected by the Acts has also been decidedly reduced. What has been the character of those houses? Those who know Portsmouth—who knew it before the Acts came into operation and who know it now—must know, perfectly well, that the character of these houses has been decidedly improved, and that this improvement may be traced to the operation of the Acts. That is the point about which doctors differ; but I say that the amount of disease has been reduced in those districts, and owing, as I believe, to these Acts. I allow for the improvement of the country generally, but still, making that allowance, I think, from the portion of the statistics I have been able to analyze, it is indisputable that credit is due to this legislation with regard to protecting districts and diminishing both the amount and the virulence of the disease. There are other points on which I cannot agree with the opponents of these Acts. It is said we ought not to maintain these Acts because the disease has been sent by Heaven as a punishment on those who indulge in vice. That is a very popular argument; but to say that a disease, which was unknown in this country until 200 or 300 years

ago, has been sent as an antidote against vice, is a proposition which appears to me to be utterly untenable. There is another argument which I have heard with the greatest pain, and that is, it has been insinuated that the object of the promoters of these Acts was to supply healthy women for the use of the soldiers. That was not the object; the object was simply to prevent great mischief to our social condition, both with respect to the Army and the Navy, from the prevalence of disease. That was the whole and the sole object; and, I believe, it has been in a great measure realized. I think, however, that there are strong reasons why a very considerable change should take place in this legislation. In the first place it is faulty, inasmuch as it fails, in the most marked degree, with regard to the principle of equally treating the two sexes, which ought to be the basis of our legislation. The right hon. Gentleman the Paymaster General argued in favour of this legislation, on this ground—that just as we take steps to remove from children every kind of temptation, so we are entitled to impose upon a body of women who hold out temptation to our soldiers and sailors, an exceptionally strained law. That is an utterly untenable argument, and one which I was surprised to hear from the mouth of my right hon. Friend. The principle that we should apply, as far as possible, equal law to both sexes seems to me a great object. With respect to compulsory periodical examination, the Commission distinctly said that that was a thing which ought not to be maintained. What I would ask the House is, whether anything has occurred to show that public opinion on this point has altered since the date of the Commission's Report. If it has altered at all, it has been more in the direction of the Report than the other way. Public opinion is distinctly opposed to establishing such a rule as that these persons should be compulsorily examined once a fortnight, and that feeling has increased since 1871. Then we are met by the question—"If you propose to give up the Acts of 1866 and 1869, what are you to substitute for them? Are you prepared to repeal them *simpliciter* and leave the question to settle itself?" I infer from the speech of my right hon. Friend—reading between the



lines—that he did not quite like the Acts himself, though he did not venture to suggest to the House any Amendment of them. Speaking for myself, I would suggest Amendments which I think might be adopted and which, repealing the Acts as they stand, would substitute provisions giving all the benefits of the Act of 1869. I will state in a few words what I would propose. I would abolish altogether both registration and compulsory periodical examination. I would continue the Lock hospitals for special districts, and would give women who applied a right to admission, with the condition that no one so admitted should be discharged until she had been either cured, or reported to be incurable. And I think it is fair to do so, without imposing expense upon the locality, because those districts are selected for the simple reason that in them is to be found a large number of persons, a considerable portion of them being bachelors from whom a great deal of incontinence springs, and I think that the localities are entitled to say that the special provisions in this respect should be defrayed at the cost of the country. I think that it would be perfectly legitimate to make this condition, that those who go into a Lock hospital should not be discharged from it until they are either cured, or stated to be incurable. I think that is a perfectly legitimate condition to be made; and, in my opinion, would have a beneficial effect. I would submit a system under which the penalties against harbouring prostitutes, not merely diseased prostitutes, were made very much more strict. I would also impose penalties under certain circumstances, as proposed in the Bill of 1872, against public solicitation. Then I would do this, which, I believe, every artizan in the Army and the Navy would be glad to see—that is to say, I would make the concealment of the fact of being diseased by a soldier or sailor in those districts, a very much more severe offence. It is now an offence, but a very slight offence; but I am sorry to say I cannot concur in the remark made by the hon. and gallant Member opposite (Colonel Alexander), as to the result of the Regulation of 1873, under which a soldier sent to the hospital is mulcted of a certain portion of his pay. I may be wrong in saying that was a

Mr. Childers

thing in the wrong direction, because it operated as an inducement to conceal it, and I think it would be much better to make the concealment of disease an offence, and that might be done with great and good effect to the soldiers and sailors. Then I would also introduce into the law a condition as to which I am bound to admit there is a considerable difference of opinion in the minds of the Commissioners, and the weight of evidence must be taken as against me. But, nevertheless, I have read the evidence of six of the most important and best witnesses, and as they strongly recommended this course, I think we might try the effect of a law which would make the wilful communication of disease, whether by a prostitute, or by a soldier, or a sailor, an offence. I know it is an open question, and I do not think I should insist upon it; but, at the same time, it is very strongly recommended by a number of witnesses, both those in favour of the Acts and those against them. I do not agree with those who think that we may treat women who give themselves up to prostitution *in loco parentis*, and deal with them as we choose; but I do believe that those of tender age—young girls who give themselves up to this practice—should be treated *in loco parentis*, and that provision may be made for doing all the good which has been done by the Act of 1866. It is hard to say when that power should cease; but that there should be an age below which any woman or girl found to be a prostitute should be compulsorily returned to her friends, or in case of their not being willing to receive her, should be sent to a home. Such a law would have to be administered with great care and delicacy, and it is not inconsistent with the general principle that we have no right to interfere with persons who think fit to commit acts of incontinence. But we have the right to deal with persons of tender age; and I think we should do so. Finally, it would be most unwise to do anything the effect of which would be to remove from the metropolitan police, who at present administer these Acts in our dockyards and garrisons, the responsibility of administering such a law. They have done so with marked success, and all the charges of unfairness have broken down; for, I may say, that

99 out of 100 have been groundless. It is very much more easy to administer an exceptional law of this kind by such a specially marked body as the metropolitan police, than by the ordinary borough or county police in which these districts are situated. And, therefore, acting upon the recommendation of the Commission of 1871, I would place the administration of the law, as I suggested it should be amended, under the Home Office and in the hands of the metropolitan police; and I firmly believe that such an amendment of the law, either with or without that special clause to which some exception was taken—and it is not one to which I attach much importance—such an amendment of the law would continue to increase the good effects of the Acts of 1864, 1866, and 1869; while, on the other hand, it would meet, and effectually meet, those objections to the Acts which I believe rather increase than diminish the evil. I think there ought to be special legislation for those districts, and strongly entertaining that view, I would support any measure that carried out that idea in the manner I have suggested.

MR. HENLEY: I wish to say a few words in support of the Motion of the hon. Baronet opposite (Sir Harcourt Johnstone). I shall not trouble the House by endeavouring to reconcile any conflicting statement as to whether the Acts have been more or less successful in the degree and hopes of those who introduced them; neither shall I trouble the House with any remarks upon the mode and manner in which those Acts have been put in force. So far as I know, subject to the mistakes that always must occur with any human action, I believe they have been put in force as the law has intended them to be put in force. There have been mistakes—in all human actions there will be; but I believe they have been put in force simply as the law intended they should be. Before any of these things, and before the mode of dealing with the subject was passed or introduced, I opposed the introduction of this legislation. I opposed it on the simple ground—which I stated at 3 o'clock in the morning—that it was no business of the State to provide clean sin for the people. In whatever country laws of this kind have been in force, they have been quickly

followed—first of all, by the depravation of the moral sense, and, not long after, with the depravation of morals themselves. What are these laws? Here are people living—I will not say in defiance, but, certainly, in contradiction to the laws of God and man—and by the officers of justice you recognize them and take them in hand—not to deter, not to restrain, not to reform—but simply to see that they are in a fit condition for other persons who wish to carry on the same practice as themselves. And what has been the effect in these towns? I said that these laws would produce depravation of the moral sense. We have had Returns from those towns in which these things are stated—that these unfortunate people are better dressed, that they are more orderly and decent in their behaviour. And what does all that amount to, but that they are rejoicing that what is wrong, what is sinful, is to be stripped of all that is disgusting, and all that is abhorrent to the people's sight and view, and that you are to make these women more attractive for the calling which they are unhappily carrying on. If that is not an evidence of the depravation of the moral sense, I do not know what is. What will it necessarily lead to? Can you make the people whom you wish to obey God's law, believe that you are sincere in that, when you uphold these things, especially when you make people who carry on these practices more attractive and less repulsive? As I have said before, when this sort of law exists, that sort of depravation of the moral sense follows. I held that opinion when the laws were introduced, and I hold it now; and I am therefore glad to record my opinion upon it. I believe, also, that the laws have failed very much in the object for which they were introduced. I believe you know very little of the actual state of matters, for you have given up all examination of men. Therefore, you know nothing but of the men who come to you; and while they can go to a chemist's shop and get relief at a low cost and no stoppage of pay, anyone who knows anything about human nature knows that they are not likely to come to you. These are my reasons for voting against the measures, and I am glad of having one more opportunity of raising my voice against them.



MR. MASSEY : Sir, having served on the Royal Commission, I hope to be allowed to trespass upon the House for a few moments while I state the conclusions I have arrived at after a careful examination of this subject. The Royal Commission comprised several Gentlemen who are strongly adverse to the policy of these Acts, and also those who were in favour of them. There was also a neutral party on the Commission, which was open to conviction upon the subject. Of that party I formed one. I entered into that Commission with no bias, either in favour or against the Acts. We prosecuted the inquiry in a painstaking way, and in as judicial manner as any Commission that ever sat. Our inquiry lasted for 45 days, and we examined 80 witnesses. The cases which came before the Commission were well inquired into. It was alleged, in the first place, that this legislation was immoral in itself; it was alleged, in the second place, that its practical tendency was towards immorality; in the third place, the efficacy of the Acts for the purpose for which they were framed was denied; and, lastly, it was alleged that the administration of these Acts was grossly abused. I need not detain the House with any lengthened observations upon the first head of objection. It is sufficient for me to say that Acts which obtained the entire concurrence of a large body of persons, comprising every class of society, from magistrates to clergymen of all denominations, cannot fairly be called immoral. Well, Sir, as regards the second objection, that they were immoral in their tendency, that was one of a practical nature, and which demanded strict inquiry, because we felt that if any one of those cardinal objections, which were urged against the Acts, could be substantiated, it was impossible to defend them, but that the whole policy must be abandoned. We inquired, with very great care, as to their alleged immoral tendency. We took a very large body of evidence on this subject, and the result of that investigation was, that the number of prostitutes and the number of brothels had been very materially reduced since the Acts came into operation; and one fact which made a very great impression, as it naturally would upon the Commission, was, that the Acts had

been most effectual in deterring young girls from entering the profession. The evidence was most express upon that subject, and the result was, I think I may say, the unanimous conviction of the Commission that, to a greater or less degree, that the Acts had achieved a very great success; and certainly if any legislation could be credited with such an achievement as that of deterring young girls and thoughtless creatures from entering upon a career which must result in their physical and moral ruin, much could be said for such legislation, and I think the House would pause before they abandoned it. It was said, however, that although public prostitution appeared to be diminishing, yet it was in a great degree supplanted by clandestine vice. On that point there was a great deal of evidence, and it was extremely difficult to get at the truth of the matter. There were general statements that clandestine prostitution had in a great measure ceased. I, for one, was not prepared to go that length; but I felt satisfied, and I joined my Colleagues in thinking that the weight of the evidence was in favour of the views of the police upon that subject. Now, Sir, I should be very glad to corroborate these statements by quotations from the Report of the Commission; but at this late period, and as other Gentlemen are desirous of speaking, I will not detain the House with quotations from the Report. As to the statements that the Acts are inefficacious, we took a very large body of evidence; and I must refer very shortly to one or two paragraphs which appeared on that point. The hon. and gallant Gentleman who moved the rejection of the Bill, referred to the evidence of the surgeons, and quoted Sir James Paget. He might have referred to Sir William Jenner, who also gave evidence as to the transmission of syphilis. But the great majority of opinion in the medical body is that the effect of this foul disease is not confined to the sufferers and to the sinners themselves, but that it is visited not only upon the next generation, but upon succeeding generations, who are innocent of the offence. We then inquired how far those Acts, within the limited sphere in which they operated, were efficacious in removing or preventing this disease. I will not refer to the ample statements in the Report of the Royal Commissioners



which bear upon this point, but I may refer to a document which has recently been laid on the Table of the House, the Report of Captain Harris, the Inspector of Police, with regard to the present position of the question. In the 9th paragraph he says that—

“2,041 common women have been registered during the year, including those re-registered chiefly from the unprotected districts. Of that number, 646, or 32·76 per cent of those examined (1,972) were found to be diseased on their first examination; whilst, 130 only, or 6·54 per cent of those examined (1,989) out of 2,121 women remaining on the register on the 31st December, 1873, were found to be diseased.”

Now, if this Report is trustworthy at all, if it is not a fabricated Report, such testimony is absolutely conclusive as to the fact that the operation of these Acts has had a direct and signal effect upon the existence of disease. [The right hon. Member having stated the substance of Petitions and Memorials laid before the Commission, before it had concluded its sittings, from the principal naval and military towns and garrisons—all “subjected districts”—proceeded.] Now, all these authorities concur in the strongest way in representing to the Government which they addressed and to the Royal Commission the value which they attached to those Acts. They were men who were on the spot, and who were daily engaged in the administration of justice, and in the administration of public institutions for the relief of sickness and disease, and they were clergymen who were engaged in the haunts of vice and misery, in their respective localities; and they all concurred that these Acts had been most beneficial to the health and to the morals and decencies of the towns in which they were in operation. I do not know what testimony you can have more conclusive than that; and I ask the House whether they are prepared, merely upon statements, and upon statistics which have no authenticity, and which are not corroborated by any evidence which has ever been laid before the House, to vote for the Bill of the hon. Baronet the Member for Scarborough, and to entirely sweep away this legislation and substitute nothing in its place. Before I heard the speech of my right hon. Friend the Member for Pontefract (Mr. Childers), I was under the impression that the Report of the Royal Commission had not

received the attention that it had deserved. That Report was the result of great labour and of very great thought, and it obtained in its main provisions the concurrence of the Commission. The minority of the Commission were in favour of maintaining the Act of 1866 in its integrity; a smaller minority were desirous of abolishing the system altogether; but the majority, including dignitaries of the Church of England—the Bishop of Carlisle, Canon Gregory, the Vicar of Brighton, and the late Rev. Mr. Maurice—all concurred that these Acts of 1866 should be removed, and that a mitigated system should be substituted for it. So far as the medical testimony was concerned, there can hardly be a doubt that the system of the periodical examination was the most efficacious for the restriction of disease; but, on the other hand, there were many considerations of morality and decency which rendered the majority of the Commission unwilling to recommend it. There were, no doubt, unpleasant exhibitions attending it, and there was something so repulsive in requiring that these unfortunate creatures should once a fortnight be examined, that the majority of the Commission came to the conclusion that the principal benefit of this policy might be maintained, without continuing that extreme proceeding. I was one of those who thought that the policy of the Act of 1864 was prematurely abandoned. It was working well. The women were coming to the hospital. Imprisonment was required only during the time of treatment—a provision which was absolutely essential to the working of any such system with these thoughtless and vicious women; for if they had been allowed to quit the hospital before being cured, the Act would be reduced to nullity. Upon the fourth allegation, that the Acts have been greatly abused, that modest women have been insulted, and that poor creatures who are not offending against public decency have been hunted up by the police, we also made particular inquiry. We had 70 cases of alleged gross misconduct on the part of the police. The Commissioners reported that they investigated these cases, and that there was no evidence in support of them. They invited the persons who had made these charges to come forward with their proofs, and they declined to

do so; and the result was, that many of them depended upon mere hearsay, and others were without foundation. That was the result of a strict inquiry. I am so desirous that this policy should not be abandoned *in toto*, that this House should not adopt a view founded on exaggerated statements with regard to the policy and operation of these Acts, that I should have been glad to have entered very fully into the subject; but the subject has been fairly brought forward before the House by hon. Gentlemen who have preceded me. I say that the Acts are not immoral in their tendency, but that they are efficacious, and have not been abused. We have to deal with a trade, which, though not recognized, is as practically established as if it was a recognized trade. That trade is carried on with conditions dangerous to the public health and offensive to the public order. We apply restrictions and regulations to the manufacture of gunpowder, to the storing of petroleum, and to the management of public-houses. We are told by some enthusiasts that this is an invasion of the liberty of the subject. No doubt. But what sort of liberty—the liberty of prostitution and the liberty of propagating disease. I should be glad to see more legislation to restrain such liberty as that. The question to-day is, whether this policy shall be abandoned or not, or whether we shall adhere to the Acts as they stand? That is the question upon which we have to vote, and I regret it, for the opponents of the Acts are absolutely unpractical, and they reject the recommendations of the Royal Commission with contempt. ["No, no!"] I am so advised. I have never seen one word in the numerous publications of the opponents in favour of any one of the recommendations of the Royal Commission. If these recommendations had been met in a reasonable spirit of compromise I should have been happy to have aided in modifying the Acts. But I have found no such disposition. There is an uncompromising determination to sweep away this policy; and much as I approve of the recommendations of the Royal Commission, and entirely as I concur in the speech of my right hon. Friend (Mr. Childers), I cannot hesitate to give a vote against the Bill introduced by the hon. Baronet.

*Mr. Massey*

Mr. STANSFELD: Sir, I entreat the House to grant me for a short time a patient hearing. I have some right to be heard on this subject, for I beg leave to say that during the past year probably no hon. Member of this House has devoted so much time and thought to it as I; and I would add that by the course I have taken that I have given pledges of my sincerity as far as my convictions are concerned. Now, Sir, time presses, and I rise under a very considerable disadvantage, because I am under the obligation, which I recognize, of making way in time for the right hon. Gentleman the Secretary of State for War, who no doubt will conclude this debate. I do not make this statement for the purpose of obtaining sympathy for my misfortune; but I would ask the right hon. Gentleman when he rises, and I would ask the House to give me this credit at least, not to believe when I have resumed my seat, that I have exhausted all that I would have liked to say on this subject. It will be necessary for me to make a selection, and to confine myself somewhat stringently to certain aspects of the question. Time will not allow me to give, as fully as I could, a reply, which I am not unable to give, to previous speeches in favour of the present system of legislation. Sir, we have been told that the view—the main view—of the opponents of these laws is, that diseases, which are the frequent consequences of sexual vice, are the visitation of Providence, and that Government or law have no right to assuage or cure them. I entirely repudiate such a doctrine, and I take upon myself, having as much knowledge as any man can have of the opinions of the opponents of this legislation, to say that there is no considerable number of persons anywhere who entertain such a doctrine. Our view is something very different. The function of Christian charity is to heal diseases; and, above all, those which are the consequences of vice, because that healing gives the opportunity to reclaim, and therefore those of us who oppose this legislation, are entirely in favour of voluntary hospitals, such as those to which my right hon. Friend the Member for Pontefract (Mr. Childers) has referred. But what we object to is this—and the House will, indeed, be dull-sighted if it is unable to grasp this distinction—we approve of



hospitals and of reclamatory agencies, but we disapprove of the registering of the examination of women, of the periodical examination, and of the Government guarantee. As for me I am amazed, I say, to find men incapable of understanding this, that when you have a system whose effect—I will not speak of the object in the minds of those who introduced it—that is not the question—that has never been the question as far as I am concerned—but when you have a system, the effect and tendency of which is not to cure and to reclaim, but to cure and regulate in order that these women may be returned sound upon the market, I would ask any sensible man if he can deny, on appealing to his conscience, but that a law of this description must be calculated to lower the moral tone and the habits of the people of this country? I may state further, to define our views and our objects, that we are entirely open to the consideration of any ameliorative measures not subject to the objections to which I have referred—namely, that their effect upon the imagination and the habits and the life of the population would be of a demoralizing nature. But what I desire to do is to address myself to a part of the subject which is very dry, but which has to be expounded to the House, and this I will compress to the narrowest limits, and I earnestly entreat the patient hearing of the House. I have been much struck in the course of this debate, that my right hon. Friend the Paymaster General (Mr. Cave), and the hon. and gallant Gentleman who moved the rejection of the Bill (Colonel Alexander), appeared not to feel it incumbent upon them to adduce any arguments or statistics to prove the hygienic success of legislation, which rightly or wrongly revolts the moral sense of a large portion of the community. Well, then, Sir, I am here compelled, not to take up the most elevated part of the subject, but to cast everything else upon one side in order that, if the House will give me its attention, I may demonstrate as well as I can the hygienic failure of these Acts and this system, and so prepare the way for Her Majesty's Government, not yet responsible, whatever may be said, as a Government, for this system, to make their proposals to the House at some future time. Well, Sir, I turn, and refer to the Army and Navy

Medical Returns. The question which I have to discuss—the hygienic question—is a double question, and I ask the House to sever those two questions. First, the question and the object of promoting efficiency or diminishing inefficiency in the Army and Navy; and, secondly, the question and the object of greatly diminishing, if not of stamping out, a disease which is said to be a scourge in our population, affecting the innocent and injuring the constitution of generations yet unborn. Well, I will take these propositions in turn; and I undertake first to demonstrate from the existing Army and Navy Returns, and then from the Return of the right hon. Gentleman to which he casually referred, which was circulated amongst hon. Members on Saturday last, and which I presume is intended as a refutation of the conclusion at which I have arrived, the practical failure of these Acts. Sir, the Army Medical Returns divide these diseases—I will use no medical terms—which are the consequence of sexual vice into two classes, which are generally called the less and the more serious class. As to that which is called the less serious class it is admitted—explicitly admitted—by consecutive Army Returns that no reduction in respect of that class of disease has been effected by these Acts. Now, I ask the House to pause for a moment, and consider, from a scientific point of view, the importance of a fact of this kind, of which I have never heard an attempt at an explanation. What is the difference between the two classes of disease, that one should be reduced, and that the other should not be favourably affected by such a system as this of which I am now speaking? I will give you some reason why that first class shows no reduction—first of all by the false expectation of physical immunity from the consequences of vice, you have stimulated vice; and if you stimulate vice you increase the danger and the probability of disease; and, secondly, this particular class of disease, which people are wont to call the less serious, is by no means the less serious as far as the temporary efficiency of soldiers and sailors is concerned; and it is the most difficult to conceal; and those are reasons why no apparent reduction has been effected in the admissions to hospitals in respect of this class of disease, and those reasons



do not apply with equal force to the other class. Well, then, I come to the other class. I find in the year 1866—which is the date of the earliest existing Act—that the number of admissions to hospital per 1,000 men in the subjected districts in respect of this second class of disease was 90 per 1,000. We find that by the year 1872 that 90 had fallen to 54. Now, that is a great reduction; and if you look to the unprotected districts, you do not find that fall. And these are the figures which have impressed the minds of the Government, and these are the figures with which it is essential for me to deal. I said that this second class was by no means necessarily the serious class; and now I will prove it. The detentions in hospital in consequence of this second-class disease are for limited periods of time, and the 54 admissions per 1,000 men mean no more according to the Army Returns than a number of constantly sick from that cause of  $4\frac{1}{2}$  men per 1,000. When I go back from 1872 to 1868, I find the admissions have risen from 54 to 72, and I find that the average of constantly sick has only risen from  $4\frac{1}{2}$  to 5. When I go back to the year 1866, I find, as I have said, that the admissions were 90, and by a process of calculation, because I have no means of knowing the exact figure, and my conclusions may not be literally and exactly true as regards that particular year, yet it proves itself true upon a series of years, I say that 90 means no more than  $5\frac{1}{2}$  constantly sick in the 1,000. Therefore the saving in the efficiency of the Army is 1 per 1,000 in 1872 as compared with 1866. The whole Home Army consists of 85,000 men, and 50,000 are now in the subjected districts. I have shown you that the fall in the numbers constantly sick has been from 66 to 72, from  $5\frac{1}{2}$  to  $4\frac{1}{2}$  of men per 1,000, and that is a saving of efficiency of 1 man per 1,000, and that is the saving of 50 men out of a whole Army of 85,000 men. I am responsible for that figure. My right hon. Friend, in referring to that figure, talked of there being an inefficiency of 648, but he did not explain, and I do not understand that figure to refer to his Return. What I find is, that comparing subjected with unsubjected districts, he is disposed, or the Return attempts, to show a saving of 200 instead of about 50. That saving I am prepared to dis-

prove; but I am not going to disprove it. I confidently ask the House and the Government whether they are prepared to base legislation upon this subject upon the basis of a hypothetical saving of 50 or even of 200 men who are simply in hospital instead of parade, because I have shown that the bulk of this disease is of a light character. If the order was given, not for parade but for foreign duty, then these hospitals would soon be cleared. Let me come to some other figures, which I will rapidly place before the attention of the Government and the House. As far as the invaliding is concerned, in the year 1866, the number of men invalided from this cause—I am alluding to the second class of disease—was 43, out of a total of 60,000; and in 1872 the 43 had risen to 96, out of a total of 85,000. That is to say, from 7 per 10,000 to 11 per 10,000 men. Sir, as regards the Home Navy nearly everything has gone to the bad. I am about to modify some figures which I have given to the public elsewhere, not that they are inaccurate, but that they are not entirely exhaustive, and the Army and Medical Returns vary in their nomenclature, and the classification of disease has been changed from year to year; but I give them with the changes. Those changes, however, have no bearing whatever upon my argument. In 1866, the admission to hospital, in respect of this disease, out of our naval forces, was 101·5 per 1,000 men; in 1872, 131·8 per 1,000 men; the constantly sick, and therefore inefficient, numbered in 1866 9·3 per 1,000, and in 1872, 10 per 1,000; in 1866, out of a total Home naval force of 21,200, 22 were invalided; in 1872, out of 23,000, the number of permanently invalided had risen from 22 to 52 men. Well, then, Sir, if the House will grant me attention, I will come to the Return which has been laid upon the Table. We have been asked to believe everything that Government tells us, and I have been told that it is a reflection upon the Captain Harrises, or whoever they may be, if we do not believe this Return. But I am somewhat familiar with Government departments and Government Returns, and it is no reflection upon the officers who made those Returns to say what I am going to say—that when a given policy is impugned, and you call upon the Department for

statistics or Returns which are to enable you to meet objections of that description, that their function becomes somewhat one of advocacy; and without any conscious dishonesty at all, they are apt so to deal with those figures, or to manipulate them so as to present to us the view which *a priori* they have adopted in their own minds. This is not only argument; I will prove that I am right. Well, now, what the Return tries to show is this—In order to show a heavy fall in respect of this second class of disease in the protected places, it goes back for six years before the Act of 1866, and takes an average of four years before the Act of 1864. Now, there was a constant fall before the Acts, and therefore not caused by the Acts. It may be said that it was in consequence of the reduction of the Army, but I will meet that objection. For the present it is enough to say that instead of starting from the natural starting point, the beginning of a particular system of legislation, you go back to a prior date in order to get a higher starting point. You pursue a course which, statistically, is not to be justified. The fall is calculated upon from an average of 130 to an average of 87. The average of 87 is the average of six years, from 1864 to 1869; that figure is reached in 1866. I will show to the House that whether that fall from 130 to 87 is an accurate or exaggerated statement; there is not 1 per cent of that fall due to the operation of the Acts, and I will show that, as I was never able to show it before, from this Army Paper, and the Army and Medical Returns of 1872. In this Return, I find in 1866, in places which ultimately came under the Acts, out of 39,476 men, the number of admissions amongst men for this second class of disease was 87. That is the fall from 130 to 87; but if I turn to the Army Medical Report of 1872, I get more information—the proportion of those 39,000 men, who at that time were under the Acts; and I get the fall in respect of these men, and what I find is this—that of these 39,476 men, only 10,161 were under the protection of the Acts; and whereas on the whole, the fall had been from 130 to 87, with reference to these 10,161 protected men, the fall was simply 90·5. And therefore I maintain that so far as the 87 per 1,000 is concerned, it is in no degree

owing to the operation of the Acts, because as to the 10,000 men subjected to the Acts in these districts, the fall is only to 90½, and the fall to 87 was only obtained by taking into account what occurred amongst the 29,000 men who happened to be unprotected men. Then, passing over another point, I come to the last statement in the Return, which is to this effect, which is an admission that does credit to the reporters, but which does not consort with the hon. and gallant Gentleman's remarks who referred to them. He referred to the great reduction in the year 1874 as a favourable fact, as far as these Acts were concerned; and he referred to Lord Cardwell's Order as a blessing to the Army, and as something which acted as a deterrent against vice. Now, this Report does not support that view. For I find these words—

“In October, 1873, a Royal Warrant was promulgated, directing that soldiers admitted into hospital on account of venereal diseases should forfeit their pay whilst under treatment. It is presumed that this led to concealment of those diseases.”

So that you do not get a real Return, but a concealment of the disease; and the statistics after 1873 become and are henceforth simply valueless. But I will give some evidence. I was down at Portsmouth the other day, and I will tell you what I heard at Portsmouth. A short time ago three regiments were suddenly examined. In one of those regiments they found 40 cases of concealed disease. And I will tell the hon. and gallant Member for South Ayrshire (Colonel Alexander) what the soldiers of Portsmouth say with regard to that Order of Lord Cardwell, for which they were to be so thankful. Well, they might be thankful for that Order if it were not for the existence of this legislation; but it is not consistent with the principle of this legislation, and I know what the soldiers say. They say—“You only permit a small portion of us to be married, and for the rest you provide these women, and you guarantee that they shall be clean, and then you fine us, and stop our pay, not because we were vicious, but because we have not been safe in our intercourse with the women you have provided.” They say it is not fair, and I say it is not fair and consistent with the principle of these Acts. I will be true to my word, and



will compress my remarks as much as possible. I will now come to another branch of the subject, and that is the severity of the disease, and its effect upon future generations. Now, the hon. and gallant Gentleman who has moved the rejection of this Bill has quoted the medical testimony of Mr. Lane, and has felt himself justified in speaking slightly of Mr. Simon, and preferred the opinions of a specialist like Mr. Lane; but I am not so easily persuaded to pin my faith to specialists, and Mr. Simon's opinion of the gross exaggerations employed in speaking of the severity and danger of transmission of this class has been confirmed by the evidence of Mr. Skey before the Committee of the House of Lords, and by the opinion of Mr. Jonathan Hutchinson, probably the highest authority on the subject in the country, and others. But whatever the danger may be as to its severity or the danger of its transmission, this at least is true, that your legislation has had no effect whatever upon that particular class of disease. The second class of disease to which reference has been made is not this most serious class, but contains it in some small fraction; and when I want to know the practical effect and judge from the Government Returns, I find in the year 1866, as to this most serious class—which is known by the repetition of the attack without fresh contact—that whereas in 1866 the admissions to hospital came to 24·73 per cent, in 1872 they came to 24·26, which is the same thing within a decimal fraction. Well then, Sir, I say these figures cannot be disproved; I say these figures must banish for ever the notion of the great hygienic success of the measure, and it can only reappear as a vague picture on the hypothesis of the adoption of further and more stringent laws of continental origin to which this country will never submit. Therefore I will simply make this appeal to the Government and the House, if we have lost sight of the possibility of the large hygienic success which recommended it to the consideration of the House, I will ask the House, in the interest of morality and justice, and in deference to the moral instincts of large portions of the community, and further in the interest of the character of Government, of Parliament, and of Law, let us determine, by the repeal of

*Mr. Stansfeld*

these Acts, that at least Parliament and Government and Law shall no longer be needlessly responsible for legislation which has outraged, without any occasion, the moral instincts of a large portion of the community, which has raised an agitation which will never cease until it has attained its object, and which, if you will address the question to your own consciences, they will tell you is essentially immoral, and incapable of justification or defence.

MR. GATHORNE HARDY: Sir, I am quite unable to bring into the course which I shall think it my duty to adopt on the discussion of this subject any of the passion or enthusiasm which has been adopted by the right hon. Gentleman who has preceded me; and, if I, dealing as I do with the responsibility of the Army, feel myself obliged to take part in the debate, I do so with reluctance, for it is a subject which in itself is distasteful to me, and which, I know, excites the feelings described in large classes of the community. But I speak with a deep sense of the benefits achieved from the operation of these Acts, and the responsibility incurred if I were to withdraw that protection from the Army by giving a negative to the Amendment on the Motion before the House. The passion which has been thrown into the discussion by the right hon. Gentleman, not only in this House but elsewhere, while it does great credit to his sincerity, is not so creditable to his judgment. I was sorry to read in this pamphlet—that elsewhere he said that where laws are passed without preliminary discussion they are not entitled to the obedience of the public. [MR. STANSFELD: I beg your pardon; I never said so.] I will read the passage to which I allude, which is contained in this pamphlet published by the Association of which the right hon. Gentleman is the head—

“Acts that have been passed without the sanction of public opinion, and without that preliminary discussion which the laws of Parliament are intended to receive, have no rightful claim upon our obedience.”

MR. STANSFELD: I cannot undertake to remember my precise words. [“Oh, oh!”] I have always been perfectly frank with the House. What I can remember is their intent and effect, which was, that laws passed in the manner I described, had forfeited all claim upon our moral obedience. [“Oh, oh!”]



their grace? I implore these ladies, if they are opposed to these Acts—if they think it right to agitate this question—that they will, at all events, leave our children in peace, and not pollute their minds by issuing any more of this literature.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 126; Noes 308: Majority 182.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for three months.

And it being Six of the clock, Mr. Speaker adjourned the House till *To-morrow*, without putting the Question.

## HOUSE OF LORDS,

*Thursday, 24th June, 1875.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Public Records (Ireland) Act, 1867, Amendment \* (168).

*Second Reading*—Metropolis Management Acts Amendment (145); Canada Copyright (179); Survey (Great Britain) Acts Continuance \* (128); Salmon Fishery Act Provisional Order (Taw and Torridge) \* (156).

Committee—Intestates Widows and Children (Scotland) \* (143).

Committee—*Report*—Pollution of Rivers (81-169); Endowed Schools Act (1868) Continuance \* (109); Glebe Loan (Ireland) \* (114); Railway Companies \* (111).

*Report*—Offences against the Person \* (158); Gas and Water Orders Confirmation \* (70).

## NORWICH ELECTION.

### JOINT ADDRESS FOR A COMMISSION.

*Moved* to agree with the Commons in the Address to Her Majesty, and to fill up the blank with ("Lords Spiritual and Temporal, and"); *agreed to* (The Lord Chancellor); and a message sent to the House of Commons to acquaint them that the Lords have agreed to the said Address, and have filled up the blank: The Lord Chamberlain and the Lord Steward to attend Her Majesty with the Address on the part of this House.

## METROPOLIS MANAGEMENT ACTS AMENDMENT BILL—(No. 145.)

(The Lord Henniker.)

### SECOND READING.

Order of the Day for the Second Reading, read.

LORD HENNIKER said, that, as this measure had been fully discussed in the House of Commons, and had been agreed upon by a Select Committee, after taking evidence on the subject, he should say but a few words in moving that the Bill be now read the second time. Its object was to remedy a hardship which now existed. Under the Metropolis Management Act, 1855, sec. 163, it was provided that any sewers rate raised under that Act, should as regarded arable and pasture land, market gardens, nursery grounds, &c., be levied in the proportion of one fourth part only of the net annual value—that was to say, they were exempt from 75 per cent of the burden that fell upon other descriptions of property. The Metropolitan Board of Works issued their precepts in a lump sum, based on the printed totals of the valuation lists of the several districts. The districts were bound to make up this sum; but, as they were bound to respect the exemptions of this description of property, the only way they could make up the sum was by levying an increased rate on householders. The hardship was that exempt property did not exist in more than one-half of the metropolitan parishes, but where it did exist was generally in the poorer districts, and the small householders were the sufferers. If the extra rate were taken all over the metropolis—that was to say, if the proposal of this Bill were adopted and the Metropolitan Board of Works were compelled to issue their precepts, with the allowance or abatement of the exemptions where they existed, then the burden would be very light indeed—hardly perceptible—whereas the burden was heavy now, coming as it did upon single districts, and generally upon poor ones. To take a case to illustrate the matter. St. George's, Hanover Square, say, would have very little to complain of; while Plumstead, the district where there was most land and exempt property, would have a great deal to complain of. The one had hardly any, if any, exempt property, and was a rich parish; while the other, getting much less advantage from the action of the Metropolitan Board of Works, had this exempt property, and the householders were nearly all poor. The Metropolitan Board of Works issued a precept for £10,000, say, to each parish; the one which had no exempt property

from a magistrate at Chichester, detailing a case that has come within his own observation [and the right hon. Gentleman read it to the House.] Can it fairly said that we are doing an un-Christian act, in taking these girls into an hospital where they will have the attention of chaplains and matrons; and rescue the girl from a life probably caused by the neglect of parents in her early years, and endeavour to provide for her, as hundreds have been provided for, and redeemed from this horrible life. I cannot now go into details with respect to compulsory examination and registry. It is not the time to discuss these questions, we are now asked to pass a Bill which proposes the total and absolute repeal of these Acts, leaving nothing in their place to check the spread of this fatal disease. But I would have the House remember what has been done in the way of prevention and cure. I mean the moral cure as distinguished from the physical one. I have before me an extract from the report of the chaplain of the Lock Hospital at Cork; and I shall call upon the Irish Members to vote as I vote, after they have heard the extract. It has been said, no provision is made for the moral treatment of these people; this is totally untrue. No hospital for the treatment of the disease would be sanctioned unless it had proper provision for the moral treatment of the patients. A clause to the effect on the Motion of Mr. Ayrton was introduced into one of the Acts, that the certificate should be withdrawn unless the hospital was so provided. This condition has been observed, and it shows that the moral training has been in the minds of those who were considering their physical cure. The chaplain to whom I referred, gives most accurate details, and has been in correspondence with the women. He says, out of those received into the hospital, 5 were sent back to their fathers; 11 were sent back to their mothers; 5 were sent back to brothers and sisters; 2 went back to their husbands; 10 were provided with situations; 12 were sent to the Union, where they were behaving properly; 22 had died after giving very sincere proof of their having renounced their evil life, 9 had emigrated, 13 had married, and 56 were in Magdalen Hospitals. Of others the Returns were not so favourable, but only

25 the chaplain considered to have relapsed. These Acts have in their necessity that which is repulsive to many of us. I can say when they were first introduced, my instincts were against them. It is only upon the distinct feeling and the assurance I derive that they are operating physically and morally to the advantage of all, that I can give them the support which I do. I might, but for the lateness of the hour, quote Returns of a similar character that I have received from Chatham and many other places. The hon. Member for Stockport made a complaint because a policeman told a married woman going into a certain house that it was a brothel. That was complained of as being an interference with personal liberty, and yet the woman went the next day and thanked the police inspector for the warning she had received. It can be shown that many girls are prevented from entering into this trade. Formerly, girls of 12 years of age were commonly seen about the streets of some towns—they are now hardly ever seen—thus proving that these Acts exercise a most beneficial preventive influence. Since I came into the House I have received a letter from a Dissenting minister at Woolwich, who confirms all that has been said by the Roman Catholic Chaplain of the great importance at Cork of the Acts in their social aspects, and the beneficial result upon the whole population. Much has been said of the agitation of which the right hon. Gentleman has put himself at the head. I do not wish to say one word against the ladies who have devoted themselves with pain and reluctance to the work of repealing these Acts, if they think it their duty to do so; but I will ask one question of them: If you are so strongly convinced of the degradation which you say is imposed by these Acts upon the polluted and degraded, what do you think must be the effect of putting into the hands of young girls the horrible literature which has been circulated in connection with this agitation? Has not that literature been doing something towards polluting the minds of young girls who lived in ignorance of these things, and who ought to be allowed to live in ignorance of such matters, and to grow up in that innocence and that purity which is their beauty and

*Mr. Gathorne Hardy*

the former. The Canadian publishers could not get a sale for such expensive editions of new books as those produced in England; and accordingly they were driven to the pirated editions. Copyright was a difficult subject to deal with even at home, but when in addition to the English author and the English publisher, the colonial publisher had to be considered, the question became much more complicated. He had said that the *ad valorem* duty plan had failed. It was not difficult to see the reason why. There were some 200 or 300 frontier stations on the line of boundary between the United States and Canada; but there were several thousands of miles of boundary. Their Lordships might imagine then the difficulties of supervision to enforce the payment of duty on the reprints brought into Canada. The necessity for the Colonies of cheaper editions of new works than those published in England must be admitted. He believed that long ago Lord Macaulay and Sir Charles Trevelyan thought it necessary to sanction the introduction of these reprints into India. The fact was that a different system of copyright was required for Canada from that which existed in this country. The Parliament of Canada took that view, and had given effect to it in an Act, which if the Imperial Parliament passed the Bill now before their Lordships he would be able to advise Her Majesty to sanction by Order in Council. Without this Bill he could not do so, for a reason which he would presently explain. The Bill did two things. In the first place, it affirmed the principle that copyright in England should carry copyright in Canada. It would make the owner of an English copyright secure of a copyright for 28 years in Canada; but it did so on one condition—that the work should be printed and published, or reprinted and republished, and registered in Canada. The Bill further provided that Canadian reprints of English copyright books should not be allowed to re-enter England. The principle of the latter provision was not a new one. The existing law prohibited an entry to reprints, and it would be impossible to obtain the assent of English publishers to a Bill of this kind if they were not to be protected from cheap reprints which would be imported into this country for the purpose of underselling their own editions. The reason

why he was unable to advise the Crown to sanction the Act passed by the Canadian Legislature without this Bill was, that sanction could not be given by Order in Council to any Colonial Bill which was repugnant to an Imperial statute. Now, as the Imperial Act of 1847 allowed the importation of foreign reprints on payment of a certain duty, the recent Act of the Canadian Parliament was in form repugnant to it. The plan which would be sanctioned if this Bill became law was a compromise. He believed it was a reasonable one, and that most authors and publishers would avail themselves of it. Those who did not wish to do so would keep themselves under the existing law and take their chance of what they might receive under the 12½ *ad valorem* duty. His noble Friend the late Foreign Secretary had found it was a very complicated and arduous task to deal with this question of copyright in the Colonies, and last year he himself felt obliged to advise the Crown to refuse assent to a Colonial Act on this subject which was repugnant to Imperial law. The Act to which he now wished to see the assent of the Crown given was, as he had already explained, repugnant to a provision in an Imperial statute; but the repugnancy was only technical, and he thought it would be much to be lamented if Parliament should not accede to the proposals in the Bill now before their Lordships, though it only dealt with one part of the subject. He might state that it was the intention of Her Majesty's Government to issue a Royal Commission to deal with all the questions in connection with the subject. He believed, therefore, that this Bill would facilitate a settlement of the subject and bring about much larger results than for the present could be accomplished by the action of the Canadian Legislature.

*Moved*, "That the Bill be now read 2<sup>d</sup>."  
—(*The Earl of Carnarvon.*)

EARL STANHOPE said, it was now more than 33 years since—in 1842—he introduced a Bill on the subject of copyright. That Bill was not exactly passed in the form in which he first had framed it, but received Amendments suggested in part by Lord Macaulay and in part by Sir Robert Peel. Thus improved he believed he might say that it had worked well and given satisfaction to all parties



do so; and the result was, that many of them depended upon mere hearsay, and others were without foundation. That was the result of a strict inquiry. I am so desirous that this policy should not be abandoned *in toto*, that this House should not adopt a view founded on exaggerated statements with regard to the policy and operation of these Acts, that I should have been glad to have entered very fully into the subject; but the subject has been fairly brought forward before the House by hon. Gentlemen who have preceded me. I say that the Acts are not immoral in their tendency, but that they are efficacious, and have not been abused. We have to deal with a trade, which, though not recognized, is as practically established as if it was a recognized trade. That trade is carried on with conditions dangerous to the public health and offensive to the public order. We apply restrictions and regulations to the manufacture of gunpowder, to the storing of petroleum, and to the management of public-houses. We are told by some enthusiasts that this is an invasion of the liberty of the subject. No doubt. But what sort of liberty—the liberty of prostitution and the liberty of propagating disease. I should be glad to see more legislation to restrain such liberty as that. The question today is, whether this policy shall be abandoned or not, or whether we shall adhere to the Acts as they stand? That is the question upon which we have to vote, and I regret it, for the opponents of the Acts are absolutely impractical, and they reject the recommendations of the Royal Commission with contempt. ["No, no!"] I am so advised. I have never seen one word in the numerous publications of the opponents in favour of any one of the recommendations of the Royal Commission. If these recommendations had been met in a reasonable spirit of compromise I should have been happy to have aided in modifying the Acts. But I have found no such disposition. There is an uncompromising determination to sweep away this policy; and much as I approve of the recommendations of the Royal Commission, and entirely as I concur in the speech of my right hon. Friend (Mr. Childers), I cannot hesitate to give a vote against the Bill introduced by the hon. Baronet.

*Mr. Massey*

MR. STANSFELD: Sir, I entreat the House to grant me for a short time a patient hearing. I have some right to be heard on this subject, for I beg leave to say that during the past year probably no hon. Member of this House has devoted so much time and thought to it as I; and I would add that by the course I have taken that I have given pledges of my sincerity as far as my convictions are concerned. Now, Sir, time presses, and I rise under a very considerable disadvantage, because I am under the obligation, which I recognize, of making way in time for the right hon. Gentleman the Secretary of State for War, who no doubt will conclude this debate. I do not make this statement for the purpose of obtaining sympathy for my misfortune; but I would ask the right hon. Gentleman when he rises, and I would ask the House to give me this credit at least, not to believe when I have resumed my seat, that I have exhausted all that I would have liked to say on this subject. It will be necessary for me to make a selection, and to confine myself somewhat stringently to certain aspects of the question. Time will not allow me to give, as fully as I could, a reply, which I am not unable to give, to previous speeches in favour of the present system of legislation. Sir, we have been told that the view—the main view—of the opponents of these laws is, that diseases, which are the frequent consequences of sexual vice, are the visitation of Providence, and that Government or law have no right to assuage or cure them. I entirely repudiate such a doctrine, and I take upon myself, having as much knowledge as any man can have of the opinions of the opponents of this legislation, to say that there is no considerable number of persons anywhere who entertain such a doctrine. Our view is something very different. The function of Christian charity is to heal diseases; and, above all, those which are the consequences of vice, because that healing gives the opportunity to reclaim, and therefore those of us who oppose this legislation, are entirely in favour of voluntary hospitals, such as those to which my right hon. Friend the Member for Pontefract (Mr. Childers) has referred. But what we object to is this—and the House will, indeed, be dull-sighted if it is unable to grasp this distinction—we approve of

hospitals and of reclamationary agencies, but we disapprove of the registering of the examination of women, of the periodical examination, and of the Government guarantee. As for me I am amazed, I say, to find men incapable of understanding this, that when you have a system whose effect—I will not speak of the object in the minds of those who introduced it—that is not the question—that has never been the question as far as I am concerned—but when you have a system, the effect and tendency of which is not to cure and to reclaim, but to cure and regulate in order that these women may be returned sound upon the market, I would ask any sensible man if he can deny, on appealing to his conscience, but that a law of this description must be calculated to lower the moral tone and the habits of the people of this country? I may state further, to define our views and our objects, that we are entirely open to the consideration of any ameliorative measures not subject to the objections to which I have referred—namely, that their effect upon the imagination and the habits and the life of the population would be of a demoralizing nature. But what I desire to do is to address myself to a part of the subject which is very dry, but which has to be expounded to the House, and this I will compress to the narrowest limits, and I earnestly entreat the patient hearing of the House. I have been much struck in the course of this debate, that my right hon. Friend the Paymaster General (Mr. Cave), and the hon. and gallant Gentleman who moved the rejection of the Bill (Colonel Alexander), appeared not to feel it incumbent upon them to adduce any arguments or statistics to prove the hygienic success of legislation, which rightly or wrongly revolts the moral sense of a large portion of the community. Well, then, Sir, I am here compelled, not to take up the most elevated part of the subject, but to cast everything else upon one side in order that, if the House will give me its attention, I may demonstrate as well as I can the hygienic failure of these Acts and this system, and so prepare the way for Her Majesty's Government, not yet responsible, whatever may be said, as a Government, for this system, to make their proposals to the House at some future time. Well, Sir, I turn, and refer to the Army and Navy

Medical Returns. The question which I have to discuss—the hygienic question—is a double question, and I ask the House to sever those two questions. First, the question and the object of promoting efficiency or diminishing inefficiency in the Army and Navy; and, secondly, the question and the object of greatly diminishing, if not of stamping out, a disease which is said to be a scourge in our population, affecting the innocent and injuring the constitution of generations yet unborn. Well, I will take these propositions in turn; and I undertake first to demonstrate from the existing Army and Navy Returns, and then from the Return of the right hon. Gentleman to which he casually referred, which was circulated amongst hon. Members on Saturday last, and which I presume is intended as a refutation of the conclusion at which I have arrived, the practical failure of these Acts. Sir, the Army Medical Returns divide these diseases—I will use no medical terms—which are the consequence of sexual vice into two classes, which are generally called the less and the more serious class. As to that which is called the less serious class it is admitted—explicitly admitted—by consecutive Army Returns that no reduction in respect of that class of disease has been effected by these Acts. Now, I ask the House to pause for a moment, and consider, from a scientific point of view, the importance of a fact of this kind, of which I have never heard an attempt at an explanation. What is the difference between the two classes of disease, that one should be reduced, and that the other should not be favourably affected by such a system as this of which I am now speaking? I will give you some reason why that first class shows no reduction—first of all by the false expectation of physical immunity from the consequences of vice, you have stimulated vice; and if you stimulate vice you increase the danger and the probability of disease; and, secondly, this particular class of disease, which people are wont to call the less serious, is by no means the less serious as far as the temporary efficiency of soldiers and sailors is concerned; and it is the most difficult to conceal; and those are reasons why no apparent reduction has been effected in the admissions to hospitals in respect of this class of disease, and those reasons

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in England. But in our Colonial Empire the case had been otherwise. He concurred with his noble Friend (the Earl of Carnarvon) that for a growing Colony new works must be produced in a cheaper form than that in which they were usually published in this country; and he also concurred with him as to the disadvantage at which the Canadian publisher was placed by the "advance sheets" of English works which the United States' publisher was able to secure. An international Copyright Act with the United States was most desirable, otherwise it was impossible that the English law could be long allowed to continue in its present state; for while we allowed an American citizen to acquire an English copyright for his books first published here, the like privilege was denied by American law to an English subject publishing his books in America. For instance, Mr. Motley—a name to be mentioned with all respect, and with wishes for the recovery of his health—enjoyed an English copyright for his books published in England; but when Captain Marryatt, although the son of an American lady, applied for the same right for his works in the United States it was denied him on the ground that only an American citizen could acquire a copyright in America. He thought Her Majesty's Government deserved thanks for the Bill introduced by his noble Friend.

LORD LISGAR thought the success of the Bill depended on the single question whether the publishers of Canada would be able to reprint editions of English works as cheap as the United States' publishers could print pirated edition of these works. He was afraid they would not find it worth their while to enter into the competition. The experiment of the new Act and of the Bill before their Lordships was, however, a laudable one, and he wished it success.

LORD HOUGHTON said, he considered this a very laudable attempt to put this matter on a better footing, and he had greater hopes of the Act succeeding than his noble Friend (Lord Lisgar) seemed to have. The Government of the United States were able to carry out a good copyright all over that large country; and that being so, he did not see why the plan to which this Bill would give effect could not be carried out in

*Earl Stanhope*

Canada. As having taken some part in the negotiations respecting copyright between Canada and this country, he was happy to bear testimony to the good feeling with which they had been conducted on both sides. He hoped those who took an interest in the intellectual advancement of Canada would find their desires promoted by the present legislation.

THE EARL OF KIMBERLEY admitted that during the time he was at the Colonial Office no progress was made with this copyright question, and was glad to find his noble Friend had found himself in a position to bring this measure before Parliament. He was afraid that what had been suggested by the noble Lord who had been Governor General of Canada (Lord Lisgar) would turn out to be well founded—he feared that the difficulties in the way of the successful operation of the Act were not so much theoretical as practical. He was afraid that the Canadian Parliament would attempt to do something beyond their power if they endeavoured throughout their long American frontier to shut out the cheap editions published in America. However, as this Bill was in the interest of English authors, he should support it. The Bill was in principle right, and he hoped it would effect the object sought to be attained.

*Motion agreed to:—Bill read 2<sup>d</sup> accordingly, and committed to a Committee of the Whole House on Tuesday next.*

#### POLLUTION OF RIVERS BILL.

(No. 81.) (*The Marquess of Salisbury.*)

#### COMMITTEE.

Order of the Day for the House to be put into Committee, read.

THE MARQUESS OF SALISBURY said, that the Bill had been kept on the Order Book of the House for a period considerably longer than was originally intended. That was due partly to the fact that ever since the second reading an unfailling stream of deputations had occupied his attention, and had only now terminated. He had had no idea until very recently that the measure could have excited so deep and lively an interest amongst such various classes of persons. Another reason which had induced him to delay proceeding with the Bill in Committee was that he was

which it was impossible for Government to deal, but he believed it to be necessary to secure the co-operation of the local authorities and the manufacturers. The ratepayers of a locality had a great interest in the question; and as the law now stood while you forbade the pollution of streams by pouring sewage into them, you allowed manufacturers to discharge their refuse into them. He was most anxious that something should be done, and thought that a comprehensive scheme which would be acceptable to all parties might be introduced next Session. As to the present Bill, he found it, even with the proposed Amendments, open to many objections.

LORD SELBORNE disapproved the proposal to cast upon the County Courts the duty of adjudicating upon sewage cases; this did not come within the proper business of these Courts, and could not, in his opinion, be effectually dealt with by them.

THE LORD CHANCELLOR said, that the objection of the noble and learned Lord was perfectly just, and was one of the causes that had led to the Amendment of the Bill; and that in its amended form it would probably be found satisfactory in the respect referred to.

EARL GRANVILLE thought the noble Marquess had done right in giving up the attempt to pass the Bill in its present shape through both Houses of Parliament this Session. He agreed with his noble Friend (Lord Aberdare), that though it was only intended to give up one portion of the Bill, it was better to postpone the whole subject to next Session, especially considering the clause that the shortened was very liable to be cut short when it got to the other House. He would suggest that before the measure was reprinted the Amendments should be carefully reconsidered, in order that the passing of it by that House might not be followed—as was sometimes the case—by abandonment immediately afterwards in “another place.”

THE MARQUESS OF SALISBURY said, he certainly could not guarantee that the Bill would pass through the other House, even were it made much shorter. It was proposed that no sewage offence should arise under the Bill till after the end of 1876.

*Motion agreed to; House in Committee accordingly; Bill reported without Amendment; Amendments made; Bill re-committed to a Committee of the Whole House on Thursday next, and to be printed as amended. (No. 169.)*

#### PUBLIC RECORDS (IRELAND) ACT, 1867, AMENDMENT BILL [H.L.]

A Bill to amend the Public Records (Ireland) Act, 1867, and to make provision for keeping safely Parochial Records in Ireland—Was presented by The LORD CHANCELLOR; read 1<sup>st</sup>. (No. 168.)

House adjourned at Seven o'clock,  
till To-morrow, half past  
Ten o'clock.

#### HOUSE OF COMMONS,

*Thursday, 24th June, 1875.*

MINUTES.]—RESOLUTION IN COMMITTEE—  
Supreme Court of Judicature Act (1873)  
Amendment [Salaries, &c.]\*.

PUBLIC BILLS—Ordered—Sea Fisheries (Ireland)\*.

*First Reading*—Tramways Orders Confirmation\* [220].

*Second Reading*—Agricultural Holdings (England) [177]; House Occupiers Disqualification Removal (Scotland)\* [164].

*Committee*—Report—Glebe Lands, Corporate Bodies (Ireland)\* [47].

*Third Reading*—Friendly Societies\* [196]; Ecclesiastical Commissioners (Fen Chapels)\* [173], and passed.

*Withdrawn*—Maynooth College\* [194].

#### AGRICULTURAL EDUCATION (IRELAND).—QUESTION.

CAPTAIN MOORE asked the Chief Secretary for Ireland, If he is aware that the Commissioners of National Education in Ireland have intimated their intention of closing the Gormans-town Model Agricultural School, county Tipperary, and disposing of their interest in the land and premises, thereby withdrawing the annual Government Grant to the school, and depriving that part of the county of the great advantages of agricultural education?

SIR MICHAEL HICKS-BEACH, in reply, said, the Commissioners of National Education in Ireland had determined upon selling the farm connected with the school referred to by the hon. and gallant Member, for the



loudly against any compulsory use of the sewers which belonged to them, because dangerous gases would, he was informed, be generated, which would force their way back into the houses. As the purification must be not individual but collective, it was obvious that the duty must be thrown on the locality as a whole. It was as a body that the manufacturers created the evil, and as a body they must correct it; and they could only correct it by means of special sewers, which would carry the pollution to some distant place where its ill-effects would not be felt. But that was not the only difficulty. In some places the dye-works obtained their water from waterworks or wells; and that was water to which the riparian owner had no right, and of which they might lawfully deprive him; they might take it and conduct it away and no harm would be done. But in many cases the water was obtained from the river itself; and if they took it away by artesian drainage the consequences would be that the riparian owners lower down who wanted the water for their steam engines, would be seriously injured. The result was that any effort to correct the terrible pollution of rivers in manufacturing towns could only be made effectual by means of a scheme for each river, to be carried out by some authority on which they should place an obligation like that imposed some years ago on the Metropolitan Board of Works, which was charged with the duty of providing for the general purification of the River Thames. What that authority should be—whether it should be a local Conservancy Board or some other body—was not a matter to be decided now, but might well be left for future discussion. Their Lordships, he thought, would unanimously agree in the proposition that the provisions required for vesting in any such authority the necessary powers for fulfilling that task would be so large and so complicated that the attempt to carry them through the House of Commons at the present time would be impracticable. He therefore proposed to defer that portion of this legislation until next year. He proposed, however, to provide that where the pollution from manufactories came by a channel by which it did not come at the beginning of this year, it should be unlawful; so that they might start from this year and declare that

there should be no further pollution of rivers. If so simple a provision had been passed 10 or 20 years ago, much of that evil would have been prevented. It was very desirable, therefore, that Parliament should arrest the further growth of that pollution of rivers until it could adopt some general scheme for each drainage area. They did not want by the present Bill to lay down, or even to hint, that those who were now polluting rivers were at liberty to go on doing so for ever. On the contrary, this was only a necessarily imperfect portion of a scheme, and they did not wish that any Minister who might in future take up that question should be told that it had been previously all settled, and that he must meet the claims of vested interests. As a matter of English he despaired of being able to define a "stream," and therefore he thought it better to say that no stream should be included in the Bill which was not *ex nomine* proclaimed for that purpose by the Local Government Board. That would afford a security that the measure would not be applied for frivolous ends or objects of annoyance. He thought the County Court was capable of dealing with questions as to sewage, and he proposed to insert a clause giving an appeal to the Superior Courts at Westminster. These were the chief points as to which it had been necessary to change the measure. He trusted that those provisions, or some of them at least, might be fortunate enough to obtain the assent of Parliament this year, for he felt certain that any diminution of the present evil, however small, would be beneficial to the public.

*Moved*, That the House do now go into Committee on the said Bill.—(*The Marquess of Salisbury*).

LORD ABERDARE said, he saw no reason why they should not adopt the suggestion of the noble Marquess, so far as dealing with solid matter was concerned; and he therefore heartily supported him on that part of the Bill. But when they came to the question of sewage, he saw not only difficulty, but formidable objection to what was now proposed. It must be remembered that it was not always possible to remove sewage except by the aid of steam. He did not think the subject was one with

*The Marquess of Salisbury*

metropolitan Police soon after an official inquiry had been held into the loss or theft of a considerable sum of money by some one of the employés in that office; whether it is true that the Local Government Board have declared to the guardians that—

“They have acquainted themselves as far as they were able to do with the progress and result of that inquiry so far as it affected the official conduct of Mr. Browne, and they do not think that the facts elicited implicated Mr. Browne in regard to the lost money, or affected his character for integrity;”

and that the Local Government Board have accordingly approved his appointment to an office of trust and responsibility in the collection and custody of public moneys; whether it is true that inquiries on this subject addressed to the Commissioners of Metropolitan Police by the Local Government Board were not replied to; and, whether the Commissioners of Police or any other Government department withheld from the Local Government Board any information affecting Mr. Browne's character for integrity, or that would show him to be unfit to have the collection and custody of public moneys?

SIR MICHAEL HICKS - BEACH, in reply, said, he believed the Irish Local Government Board had approved of the appointment of Mr. J. A. Browne to the office of collector of public rates, to which he had been elected by the guardians of the North Dublin Union. No information, so far as he was aware, had been withheld by the Commissioners of Police from the Local Government Board affecting Mr. Browne's character for integrity; but, Mr. Browne, on an official inquiry, had been proved guilty of considerable neglect in the discharge of his duties as a clerk in the carriage department of the Dublin Police, and his services had consequently been dispensed with on the re-organization of the department with which he had been connected.

MR. SULLIVAN gave Notice that he would on Monday ask if it was intended to refuse Mr. Browne the superannuation allowance to which he was entitled after 25 years of honest service?

SIR MICHAEL HICKS-BEACH said, he could answer that at once. The office which Mr. Browne held was discontinued in consequence of a re-organ-

ization of the department, and as he had been guilty of considerable negligence the Chief Commissioner of Police declined to give him the necessary certificate of diligent and faithful performance of his duties, and the Treasury declined to grant him the ordinary superannuation allowance.

MR. SULLIVAN gave Notice that he would, on a future occasion, call attention to the subject, and move a Resolution.

#### IRELAND—DUNDRUM ASYLUM.

##### QUESTION.

MR. MELDON asked the Secretary to the Treasury, Whether the salary of Dr. John Hughes, the visiting physician of the Central Asylum at Dundrum, county of Dublin, is included in the Estimates or Supplementary Estimates, and if not, for what reason is such salary excluded; if it is not the fact that Dr. Hughes was appointed to the office of visiting physician to the said asylum by warrant of the Lord Lieutenant in the month of February 1874; if he has since discharged the duties of such office; and, was the salary of Dr. Hughes placed on the list of Irish Estimates furnished to the Treasury by the Irish Executive Government, and was such salary expunged at the instance of the Lord Lieutenant of Ireland or the Chief Secretary; and if not, under what circumstances was such salary struck out?

MR. W. H. SMITH: Sir, if the hon. Member will refer to the Estimates presented to Parliament for the current year, he will see that no provision has been made for the salary of the visiting physician. I must ask to be allowed to defer giving an explanation of the circumstances until the Vote is taken in Committee of Supply. That seems to me to be the proper occasion for hon. Members to ask for information respecting the Estimates, and I shall always be ready, for my own part, to give them all that I possibly can; but it seems to me most undesirable to occupy the time of the House at this moment with an explanation which would necessarily be somewhat lengthy, and which can be much better given when the Vote shall be under discussion.



reason that it had proved a failure with regard to the purposes for which it was intended. Instruction in agriculture would still be given in the schools which had hitherto been connected with the farm, and in other schools throughout the country generally.

#### METROPOLIS—MUSIC IN ST. JAMES'S PARK.—QUESTION.

SIR THOMAS CHAMBERS asked the First Commissioner of Works, By whose authority, and under what circumstances, the playing of the band from 6.30 to 8.30 p.m., in St. James's Park, has been forbidden?

LORD HENRY LENNOX: Sir, the band of the Corps of Commissionaires was allowed to play in the Cambridge Enclosure from 1862 to 1864; but in the course of the latter year loud complaints were made and remonstrances addressed by those who lived in the houses around, as to the crowds of disorderly persons, both of women and men, that collected to hear the band. In 1865 and 1866 these complaints were repeatedly renewed, and the position of the band in the Enclosure was several times altered, but without any good effect following. In 1867 it was removed to a site in St. James's Park opposite the Horse Guards, and there it played until 1870. This year the band renewed their application to play in the Cambridge Enclosure, and stated that the occupation of the houses in the neighbourhood was changed, and they had, therefore, a hope that no objection would be made. Being, as the House will readily understand, anxious to meet the wishes of these old soldiers, I gave the permission; but I had no sooner done so than serious remonstrances from the same quarters were made, and, having satisfied myself that there was ground for these complaints, I had no option but to withdraw that permission, at the same time offering them the position in St. James's Park which they had occupied from 1867 till 1870. I need scarcely assure the House that throughout this matter I have acted after due consultation and in concert with the illustrious Duke who is the Ranger of St. James's Park.

*Sir Michael Hicks-Beach*

#### INDIA—AGRARIAN DISTURBANCES IN BENGAL.—QUESTION.

MR. E. NOEL asked the Under Secretary for India, Whether the India Office can furnish any information or correspondence with respect to a Bill lately introduced by the Lieutenant Governor of Bengal, purporting to legislate concerning the threatened agrarian disturbances arising out of the unsettled relations between landlord and tenant?

LORD GEORGE HAMILTON, in reply, said, that Correspondence on the subject was at the India Office. There would be no objection to lay it on the Table of the House after the Legislative Council had finished its consideration of a Bill which had been laid before it by the Lieutenant Governor, in order, if possible, to bring about a satisfactory settlement of the difficulty.

#### ARMY—ADJUTANTS OF MILITIA AND VOLUNTEERS.—QUESTION.

MR. PLUNKETT asked the Secretary of State for War, Whether, considering that Adjutants of Volunteers have to perform harder duty than Adjutants of Militia, he will put the former on as favourable a footing as the latter in regard to pension?

MR. GATHORNE HARDY, in reply, said, he was not prepared to admit that adjutants of Volunteers had harder duties to perform than those of adjutants of Militia, in addition to which the duties of the last-named class of officers were certainly the more responsible. The new localization scheme had put additional duties on the adjutants of Militia, and the rate of their retiring allowances had been fixed accordingly. He was not prepared to offer the same terms to adjutants of Volunteers.

#### THE IRISH LOCAL GOVERNMENT BOARD—CASE OF MR. J. A. BROWNE. QUESTION.

MR. SULLIVAN asked the Chief Secretary for Ireland, If his attention has been called to the Correspondence between the Irish Local Government Board and the Guardians of the North Dublin Union, in reference to an appointment to the office of Collector of Public Rates, of Mr. J. A. Browne, who had been discontinued as clerk in the carriage department of the Dublin Me-



now occupy. There were 11 Bills mentioned in the Queen's Speech. Of these the first was the Peace Preservation (Ireland) Bill. That Bill has passed and has received the Royal Assent. Three other measures—the Artizans Dwellings Bill, the Public Health Bill, and the Friendly Societies Bill—have practically passed. The Land Titles and Transfer Bill and the Supreme Court of Judicature Act (1873) Amendment Bill have passed the House of Lords, and now stand for Committee in this House. The Merchant Shipping Acts Amendment Bill has far advanced in Committee. That makes seven. The Labour Laws Bill, making the eighth, stands for a second reading. The Agricultural Holdings (England) Bill, the ninth measure, will in a few minutes, on my Motion, I hope, reach a second reading. It has already passed the House of Lords. The tenth measure is the Offences Against the Person Bill, and that stands for a second reading. The eleventh measure, relating to the Pollution of Rivers, is now in Committee in the House of Lords. Therefore, I think the House will agree with me, that when they consider the position which these 11 measures occupy in the Business of the Session, there is no reason whatever to assume that they may not all be carried to a successful termination. Consequently, the House will feel that the noble Lord, who more, I think, than a month ago made his inquiry, is scarcely justified in having done so by the progress which we have since made with the 11 measures recommended to Parliament in the Queen's Speech. Some of those measures have passed, and every one of them has been considerably advanced. Now, Sir, having made this statement, I may be permitted to remark that Her Majesty's Government, in conducting the Business of the House this year, have experienced a difficulty which has rarely occurred. Certainly it has not previously occurred in my memory, although I have been a Member of this House for nearly 40 years. It is this—The House is well aware that every year there are expiring laws which would cease to exist at a certain time, and not generally during the period when Parliament is sitting. Well, our predecessors—I do not mean our immediate predecessors only, for I trust they will not suppose I am making any particular remark on their conduct

—but our predecessors for many years, in order to devote all the time at their command to novel legislation, have treated these expiring laws, though they are often of the highest and foremost interest, in the following manner:—They have shuffled them all at the end of the Session into what is called a Continuance Bill, and a wearied House, being unable to resist the inevitable result, has sanctioned that course. But after we acceded to office the abuse of this system became, at the end of last Session, so flagrant that the House was no longer prepared to sanction it. It is, indeed, impossible to complain of the conduct of the Irish Members when they protested against a measure which suspended the constitutional liberties of their country being passed as a mere Continuance Bill. Considerable opposition was offered to that Bill on that occasion by hon. Gentlemen opposite, and I gave them a pledge that if they would forego that opposition they should have full opportunity of discussing the measure in the present Session. That pledge, on the part of the Government, I have redeemed. But what has been the consequence of the redemption of that pledge? Why, five weeks of the Government time and a more considerable period of the time of the House—for several days belonged to independent Members, of which we were obliged to avail ourselves—were spent in discussing a Bill which was an expiring Bill, and which, under other circumstances, would have been passed without discussion as a Continuance Bill at the end of the Session. Therefore, I trust the House will remember that we have not only made the progress I have indicated with those measures which in the Speech from the Throne we promised to bring forward, but that we have also experienced a very serious difficulty in contending against the consequences of giving up the old system of dealing with measures of great importance when they were expiring laws. I say this because we have yet to deal with an expiring law, and that one of the greatest importance and upon a most interesting subject—I mean the Criminal Law Continuance Act. It is one of that group of Bills with which the Government attempt to deal with the long-vexed question of labour and the relations between master and servant. I hope the measures which my right hon.

OPENING OF PLACES OF AMUSEMENT  
ON SUNDAY—THE ACT 21 GEO. III.

QUESTION.

SIR GEORGE BOWYER asked the Secretary of State for the Home Department, Whether, in the measure he proposes to introduce for amending the statute 21 Geo. 3, c. 49, he will provide that no action shall be brought without the sanction of the Attorney General?

MR. ASSHETON CROSS, in reply, said, that the subject was now receiving the consideration of the hon. and learned Attorney General and himself. Pending legislation on the matter, the Attorney General would be bound to act under provisions of the existing law.

ORDNANCE SURVEY—SOUTH WILTS  
AND DORSETSHIRE.—QUESTION.

MR. BENETT-STANFORD asked the First Commissioner of Works, Whether any progress is being made with the Ordnance Survey for South Wilts and Dorsetshire; and, if such progress is being made, how soon any reliable hope can be held out that such survey shall be published?

LORD HENRY LENNOX: Sir, the survey of South Wilts, as a whole, has not yet been commenced; but at the urgent request of the Antiquarian Society, the district about Salisbury, including Stonehenge, has been surveyed. Neither has Dorsetshire been yet surveyed, for while fully admitting the great importance of that county in many respects, yet it is not a mineral county, and I have, therefore, with regret, been unable, as yet, to order it to be surveyed.

ARMY—THE SOMERSETSHIRE MILITIA  
—THE ENCAMPMENT AT LEIGH HILL.

QUESTION.

MR. NEVILLE-GRENVILLE asked the Secretary of State for War, Whether the commanding officer of the 1st Somerset Militia has made complaint of the state of the encampment at Leigh Hill, near Taunton, and whether the men's tents are saturated with water, and their beds and bedding soaked, as mentioned in a paragraph in the "Times" newspaper?

MR. GATHORNE HARDY, in reply, said, no complaint had reached the War

Department; but the General Officer in command of the district would make an inquiry.

PARLIAMENT—BUSINESS OF THE  
HOUSE—ORDERS OF THE DAY AND  
NOTICES OF MOTION.

ADJOURNED DEBATE.

Order for resuming Adjourned Debate thereupon [22nd June] read.

MR. DISRAELI: Sir, I very much regret that my unavoidable absence from the commencement of the Business of the House on Tuesday last has occasioned the Motion which I placed on the Paper to be to some extent misunderstood, from want of explanation. During the various periods in which it has been my fortune or fate to conduct the Business of this House, I have never at any time when I have appealed to independent Members to surrender their privileges to the Government contemplated accepting such a sacrifice on their part unless it was made unanimously. These are questions which, in my mind, ought not to be matters for controversy or division, and had I been here and heard the objections which were made I should have at once terminated the discussion by not pressing the Motion. The fault is my own I acknowledge, and I regret extremely that I was not present. And, indeed, acting in that spirit, I rise now to move that the Order which is on the Paper should be discharged. But as I am on my legs, and as the Business of the House this Session has been a subject of considerable interest, I will, with the permission of the House, make one or two remarks on the progress and prospects of Public Business, because I think it is a subject on which considerable misunderstanding exists. Some time ago the noble Lord who is the Leader of the Opposition inquired of me whether I could inform him what were the measures mentioned in the Queen's Speech which I contemplated would be carried to a successful issue this Session. I thought the question of the noble Lord then premature, and I think that was the general opinion of the House: but we are now more advanced in the Session, and I will therefore call the attention of the House to the measures which were introduced to the notice of the House by the Queen's Speech, and to the position which they



now occupy. There were 11 Bills mentioned in the Queen's Speech. Of these the first was the Peace Preservation (Ireland) Bill. That Bill has passed and has received the Royal Assent. Three other measures—the Artizans Dwellings Bill, the Public Health Bill, and the Friendly Societies Bill—have practically passed. The Land Titles and Transfer Bill and the Supreme Court of Judicature Act (1873) Amendment Bill have passed the House of Lords, and now stand for Committee in this House. The Merchant Shipping Acts Amendment Bill has far advanced in Committee. That makes seven. The Labour Laws Bill, making the eighth, stands for a second reading. The Agricultural Holdings (England) Bill, the ninth measure, will in a few minutes, on my Motion, I hope, reach a second reading. It has already passed the House of Lords. The tenth measure is the Offences Against the Person Bill, and that stands for a second reading. The eleventh measure, relating to the Pollution of Rivers, is now in Committee in the House of Lords. Therefore, I think the House will agree with me, that when they consider the position which these 11 measures occupy in the Business of the Session, there is no reason whatever to assume that they may not all be carried to a successful termination. Consequently, the House will feel that the noble Lord, who more, I think, than a month ago made his inquiry, is scarcely justified in having done so by the progress which we have since made with the 11 measures recommended to Parliament in the Queen's Speech. Some of those measures have passed, and every one of them has been considerably advanced. Now, Sir, having made this statement, I may be permitted to remark that Her Majesty's Government, in conducting the Business of the House this year, have experienced a difficulty which has rarely occurred. Certainly it has not previously occurred in my memory, although I have been a Member of this House for nearly 40 years. It is this—The House is well aware that every year there are expiring laws which would cease to exist at a certain time, and not generally during the period when Parliament is sitting. Well, our predecessors—I do not mean our immediate predecessors only, for I trust they will not suppose I am making any particular remark on their conduct

—but our predecessors for many years, in order to devote all the time at their command to novel legislation, have treated these expiring laws, though they are often of the highest and foremost interest, in the following manner:—They have shuffled them all at the end of the Session into what is called a Continuance Bill, and a wearied House, being unable to resist the inevitable result, has sanctioned that course. But after we acceded to office the abuse of this system became, at the end of last Session, so flagrant that the House was no longer prepared to sanction it. It is, indeed, impossible to complain of the conduct of the Irish Members when they protested against a measure which suspended the constitutional liberties of their country being passed as a mere Continuance Bill. Considerable opposition was offered to that Bill on that occasion by hon. Gentlemen opposite, and I gave them a pledge that if they would forego that opposition they should have full opportunity of discussing the measure in the present Session. That pledge, on the part of the Government, I have redeemed. But what has been the consequence of the redemption of that pledge? Why, five weeks of the Government time and a more considerable period of the time of the House—for several days belonged to independent Members, of which we were obliged to avail ourselves—were spent in discussing a Bill which was an expiring Bill, and which, under other circumstances, would have been passed without discussion as a Continuance Bill at the end of the Session. Therefore, I trust the House will remember that we have not only made the progress I have indicated with those measures which in the Speech from the Throne we promised to bring forward, but that we have also experienced a very serious difficulty in contending against the consequences of giving up the old system of dealing with measures of great importance when they were expiring laws. I say this because we have yet to deal with an expiring law, and that one of the greatest importance and upon a most interesting subject—I mean the Criminal Law Continuance Act. It is one of that group of Bills with which the Government attempt to deal with the long-vexed question of labour and the relations between master and servant. I hope the measures which my right hon.



Friend the Home Secretary will call upon the House to consider in the course of a few days are such as will recommend themselves to the minds of those hon. Gentlemen who are deeply interested in the question, and that we shall encounter no vexatious opposition to them. I trust they will be taken as a whole, and as a generous and wise settlement of a great public controversy. The House must see, however, that those who have the conduct of the Public Business of the House have had to contend with difficulties of rare occurrence, such as have arisen from dealing with these expiring laws. It would, in fact, have been impossible to counteract these difficulties if the Government had not appealed to the generous sympathy of the House to allow us at an earlier period than usual to avail ourselves of Morning Sittings. It was from no caprice or negligence that we made that demand, which was but the necessary consequence of having to pass the Peace Preservation (Ireland) Bill. Well, these Morning Sittings have not entirely compensated us for the loss of these five weeks, but they have greatly assisted us; and in case of difficulties arising in respect of this question to which I have alluded—namely, the expiring law of master and servant—or in respect of other questions, it is only by the generous support of the House that we can possibly carry the measures announced in the Queen's Speech, especially when we have to deal with difficulties so great and of such rare occurrence. With regard to asking for Tuesdays the other day, I believe it really arose from the following circumstance:—It appeared that the Gentlemen of the long robe on both sides of the House were anxious to have a discussion on Tuesday on the legal measures which are now before us—namely, the Supreme Court of Judicature Act (1873) Amendment Bill and the Land Titles and Transfer Bill. Now Tuesday morning was most inconvenient for them and they therefore appealed to the Government to assist them in obtaining another Tuesday. As it had been customary, though not quite so early in the year, for the Government to apply that Tuesday might be given up, it was thought that it might be for their convenience to make a general appeal at that time. I am not for a moment wishing to contest the right of the House to demur to that

arrangement. I am grateful to the House for the indulgence we have experienced in obtaining Morning Sittings, without which, no doubt, our position would have been greatly inferior to what it is at present in regard to the progress of Business. As far as we can avail ourselves of the time we can command we shall endeavour to forward the measures which we have placed before the House, and if we find it necessary to ask the House to assist us I feel confident that I shall not appeal to the House in vain. In conclusion the right hon. Gentleman moved that the Order be discharged.

MR. DILLWYN said, he thought it would be agreed that no factious opposition to the Government had arisen from the Members of the Opposition who sat below the Gangway. He must remark, however, that the right hon. Gentleman had somewhat changed his ground. Some time ago, he said the House would have to sit until it had passed all the measures which had been proposed by the Government and read a second time. Now, however, the right hon. Gentleman proposed to pass only the measures mentioned in the Queen's Speech, and this was, of course, a very different thing indeed. The former statement produced a slight feeling of alarm among hon. Members, who, consequently, were less willing the other night than they would otherwise have been to comply with the wishes of the Government. Another cause of protest was that private Members had the idea that their privileges were being invaded, and they had an objection to such a precedent being adopted. The Prime Minister had given many good reasons for what had been done, and as the right hon. Gentleman was always ready to consult their convenience, he should be unwilling to show any undue opposition to the Government.

MR. HUNT pointed out that the present Government had not proposed to re-enact the rule which was in force during the last Parliament with reference to Committee of Supply. In the present Parliament independent Members had had the opportunity of bringing questions forward on the Motion for going into Supply on every night when Supply was down.

THE MARQUESS OF HARTINGTON: Sir, I wish to make a few observations



on this question before the House proceeds to another subject, which I know it is anxious should not be delayed. The hon. Members who were in the House last Tuesday will be aware that when I rose immediately after the Secretary of State for War I did not do so with the object or intention of interposing any obstacle whatever in the way of the Government obtaining any portion of the time of the House which might be considered necessary for the successful prosecution of the measures before it. What I did venture to remark upon was that the unusual Motion—a Motion which, as I showed, was made at a considerably earlier period of the Session than it had ever been made before, with the exception of last Session—should be made without any statement whatever on the part of the Government as to their intentions with regard to the numerous measures before the House. It appears now the Motion of the right hon. Gentleman was made without sufficient consideration; for although he would, no doubt, be supported by a large majority in any demand on the time of the House which he might think it necessary to make, he has now withdrawn his Motion without any statement whatever with regard to the progress of Business. I do not recollect the exact occasion to which the right hon. Gentleman refers when he says that I prematurely asked the Government their intentions with regard to the prosecution of their measures. I do not think that until last Tuesday I have ever done so—that is, asked the Government whether they had any intention of abandoning any of the measures they had introduced. What I think I have done on more than one occasion was to point out some inconveniences experienced, owing to the very short notice which on several occasions the Government gave with reference to the course of Business. The consideration of one measure has been dropped, and another taken up with very small notice; and although I am quite willing to bear testimony to the courtesy which characterizes all the proceedings of the right hon. Gentleman with regard to the Business of the House, I think the course which has been taken in this respect has been sometimes not altogether for the convenience of the House. I cannot charge my memory with having on any occasion

before last Tuesday afternoon expressed any opinion as to what measures the Government intended to take; but, Sir, I think the time has now come when it would be very much to the convenience of the House, and expedite the Public Business, if a somewhat more definite announcement were made as to the measures to be seriously prosecuted. The right hon. Gentleman, in the observations he has made, has chiefly confined himself to the measures mentioned in the Queen's Speech; but there are other measures of great importance before the House not mentioned in Her Majesty's Gracious Speech, and which, if proceeded with, will occupy a considerable portion of our time. I admit there are Bills mentioned in the Queen's Speech which may be said to be practically disposed of as far as we are concerned. The Peace Preservation (Ireland) Bill and the Public Health Bill are disposed of, and great progress has been made with the Friendly Societies Bill, and a measure introduced by the Chancellor of the Exchequer—the National Debt Bill. But there remains a very formidable list of measures, some of which have hardly been considered by this House at all. There is the Agricultural Holdings (England) Bill, which has not yet been considered by this House. There are two Bills, dealing with the relations of employer and employed. There are the Land Titles and Transfer Bill and the Supreme Court of Judicature Act (1873) Amendment Bill, which have not yet been reached. The measures introduced by the Chancellor of the Exchequer, the Local Authorities Loans Bill, the Public Works Loans Bill, the Savings Banks Bill, and another Bill relating to Banks, have not been fully discussed. Having now reached the 24th of June, I think the right hon. Gentleman and the Government must be of extremely sanguine dispositions if they think that all these Bills can pass during the present Session; and I think it would tend to the convenience of the House and the despatch of Public Business if the right hon. Gentleman could harden his heart and commence that operation generally known as "the Massacre of the Innocents" by giving us a preliminary massacre. I admit that the Government is not responsible for the expenditure of time on the Peace Preservation (Ireland) Bill; but I must point out that the right



hon. Gentleman has taken credit for this on two different accounts. The Bill was introduced in the Queen's Speech as a question of public policy in regard to Ireland, and it was received in that way by the House. But now the right hon. Gentleman takes credit for that as being an improvement upon the procedure of his Predecessors, who were content to deal with these matters in Expiring Laws Continuance Bills. I must remind the right hon. Gentleman that it fell to the lot of the late Government twice to pass measures relating to the preservation of peace in Ireland, which also took up a considerable portion of the time of the Session, and at the same time they were able to pass other measures of the very greatest importance. I think there are measures which have occupied a good deal of the time of the House, for which the Government are responsible, and which have occupied a larger share of the time of the House, in proportion to their importance, than measures which are now waiting for consideration. I do not think that either the Regimental Exchanges Bill, or the Bill, introduced by the Chancellor of the Exchequer, relating to an imaginary scheme for the reduction of the National Debt, was of so much importance that the time of the House should be wasted upon them while such questions as the improvement of the merchant shipping laws, and the relations between employers and their workmen, were left to be discussed at the fag-end of the Session. There is only one other observation I wish to make. It will be in the recollection of many hon. Members that no subject was made more frequent ground of complaint against the late Government than the manner in which, according to hon. Gentlemen opposite, we neglected the primary business of the House of Commons—namely, the business of Supply. We were complained of for taking the Estimates late for the purpose of proceeding with legislation which hon. Gentlemen stated was unnecessary. What has been the course of the present Government with regard to Supply? In the last year of the late Government, in which I believe that complaint was as usual brought forward, I have ascertained that the Committee of Supply sat, before the period at which we have arrived, no less than 13 times. I find up to the present time the House

has had Committee of Supply only five times; and, although the Army and Navy Estimates have been entirely or nearly all disposed of, we have at present spent only one evening on the Civil Service Estimates, and only one class of those Estimates has yet been voted. We have, as yet, had no discussion on the Education Estimates, and there is no probability that a day will shortly be fixed for the discussion; and we have not yet been informed by the Government what are their intentions with regard to an increased grant for Irish Education, for the increase of the salaries of the National School teachers. Something has been said about Supplementary Estimates; but not a word has been stated to the House as to the intentions of the Government. When we look at the number of measures which I have read over, all of which will require very great consideration—when we look at the state of Supply, and the small progress that has been made in the Civil Service Estimates—I am of opinion that the right hon. Gentleman would exercise a wise discretion if he made up his mind to sacrifice some of the Bills now before us, so that we might devote ourselves more completely and more satisfactorily to the consideration of those that remain.

MR. PLIMSOLL ventured to express the extreme anxiety that was not only felt in the House, but also out-of-doors that the Government would find or make time to carry the Merchant Shipping Bill to its termination. To do so would be to terminate a state of things that was very troublesome to shipowners themselves, and which also caused a frightful loss of life. He did not refer merely to unseaworthy ships or to overloading, because the Bill ignored this, but because the Bill afforded an opportunity to insert clauses which would bring about a better state of things. He had carefully abstained from occupying the attention of the Committee whilst the preliminary clauses were under discussion, and he had used all his influence with others to prevent discussion until they should reach the heart of the subject; and when the Government should bring on the Bill again they would find that they would be able to proceed much more rapidly in the future than they had been able to do in the past, and he had every confidence that they would be able



to make the Bill into a satisfactory measure, and thus secure an immense amount of good. He believed that a satisfactory measure passed upon this subject would earn for the Government an amount of gratitude which no Government had received during this century.

MR. BENTINCK said, he thought that an eulogium had been passed upon the Merchant Shipping Bill to which it was not entitled; and he hoped that, whatever Bills the Government should resolve to abandon, they would include it among them, for if it passed it would perpetuate all existing evils and add to the loss of life which the hon. Member for Derby (Mr. Plimsoll) deplored. He congratulated independent Members upon the stand which they had made for their privileges. The chief cause of the loss of time this Session was not the Peace Preservation (Ireland) Bill. That, no doubt, took up a certain portion of time; but the Government ought to have foreseen that result. He contended that the real cause of all their difficulties in the present and in the past Sessions was the bad practice of this and of other Governments in overloading the Paper. At the beginning of the Session there was an amount of Business introduced that no rational man could hope to see carried. It was very much to be regretted that at this period of the Session the House had not had an opportunity of dealing with the three principal Votes in the Navy Estimates. He should like to know when the Navy Estimates would be likely to be brought forward again?

MR. GOLDSMID observed, that the last Government was frequently attacked for asking for Votes at this period of the Session, and yet now there was an intimation that there would be still further Votes on Account asked for within the next three days. He was told that if these Votes on Account were not taken the service of the country would have to come to a full stop. He desired therefore to ask whether the House would have a proper opportunity of considering the remaining Votes of Supply, and whether in another Session care would be taken that there would be no necessity for asking for Votes on Account at so late a period of the Session.

MR. BUTT pointed out that it was not owing to the discussions on the Peace Preservation (Ireland) Bill that Supply was so backward. During the

whole month of February the House had sat only three times after 10 o'clock, and if the Estimates had been ready much progress in Supply might have been made. They had heard of the privileges of Members; but it was really the privileges of the people which were in question. He wished to remind hon. Gentlemen that the highest function of this House was not legislation. Its highest function was to be the Grand Inquest of the Nation and the Committee of Grievances of the Nation. What had given the House of Commons its great position was that it had the power to originate discussions apart from the Business brought forward by the Ministers of the Crown. He believed that if ever the time came when this House would lose its character for being the Committee of Grievances of the Nation it would also lose its influence with the people. Of late years great encroachments had been made on the liberties of the House. It was true that each in itself was but a small encroachment; but it was by gradual encroachments Session by Session, day by day—each encroachment small in itself, and of a character which it would appear factious to resist—that in progress of time serious inroads were made upon the liberties of the House.

*Motion agreed to; Order discharged.*

#### AGRICULTURAL HOLDINGS (ENGLAND) BILL.—[BILL 177.]

(Mr. Disraeli.)

[Lords.] SECOND READING.

Order for Second Reading read.

MR. DISRAELI: Mr. Speaker, the Bill, of which I have now to move the second reading, is one which seeks to supply the deficiencies of the law which at present relates to agricultural tenancies. This is a subject which has been treated in this House more than once. It is one with which the House used to be familiar. I see several hon. Members now who, throwing their memory over a space of scarcely less than 30 years, can recall the time when Mr. Pusey, the Member for Berkshire, interested himself in this question, and took various opportunities of submitting it to the consideration of the House. At that time there was much agitation in the country in favour of agricultural leases—of long agricultural leases—and

Mr. Pusey, who was, both by his lineage, his estate, his rare accomplishments, and fine abilities, one of the most distinguished country Gentlemen who ever sat in the House of Commons, was of opinion that that was a policy which ought to be resisted. He believed that the granting of leases was not demanded at all, or only in a slight degree, by the farmers themselves; but that the demand came from a party out of the agricultural world—a party distinguished by perseverance, which contained many economists of great distinction, many philosophers, and many who took rather a cosmopolitan than a national view of public affairs. Mr. Pusey thought that leases had a tendency to divorce the proprietor of the soil from the land, and ultimately would lead to the breaking up of estates and destroy the influence of that class to whose influence he attributed—and, I believe, rightly attributed—much of the liberties and welfare of the country. With these views he moved for Committees, and subsequently introduced Bills, the object of which was to secure—Mr. Pusey was the first person to introduce into this House the term—"the tenant right" of the occupier, and at the same time to guard the just rights of the owner. His object was—to use his own words—"to secure to the tenant the advantage of his unexhausted improvements and to prevent the deterioration of the soil." Mr. Pusey was not successful in the efforts he attempted to make. His views were comparatively novel. The great body of the country gentlemen did not sufficiently sympathize with him; and they were very much influenced in the course they adopted by the fact that they knew the cry or claim for what they called leases was not one which originated, generally speaking, with the great body of farmers themselves; that it was extraneous, and they did not believe it was one which would endure. Under these circumstances, Mr. Pusey unhappily, I think, gave up much expectation of success. There were influences against his success at that period which he had not taken sufficiently into account. In the first place, that party in the country who advocated long leases of the soil, thought that if they favoured the plans of Mr. Pusey their views would necessarily not be adopted. Then, again, there was an element which even a Gentleman so well

acquainted with agriculture and rural life as he was had not sufficiently counted upon, and that was what he called the hereditary tenant—that is, the tenant whose fathers and forefathers had cultivated the very farm he had cultivated himself, and whose family for a long period, even for more than a century, had lived upon the soil. It was difficult—it was impossible—to persuade a class of men of that character that they were in danger of being suddenly turned out of their holdings—that they would forfeit the capital they had invested in the soil—when they were conscious of the fact that for generations upon that soil their family had existed, and still lived. These were two influences which, no doubt, very much acted against Mr. Pusey. There was another, and that was that by degrees in this country a number of usages had grown up—some of them, indeed very ancient, some of them of recent development—by which the tenant of the soil, by general agreement with the owners, was preserved from the sacrifice of his capital in case he quitted his holding. All these influences tended to prevent any enthusiasm being felt in those views—so profound, so just, and so salutary—which influenced that accomplished man in the counsels which he frequently gave to the country and to the House of Commons. When he ultimately relinquished the struggle, at least so far as the House was concerned, he said this—I am accurate in the words, for he used them to the humble individual who now addresses the House—he said "it was the only blot in the agricultural hierarchy"—the fact that the tenant-at-will had no security for the capital which he ought to be encouraged to invest in the soil. Now, many years have elapsed since those days, and for some time very little public excitement upon the subject existed. The cry for leases gradually died away—not originating, generally speaking, with the farmers themselves. But of late years the philosophers, who are a vigilant body, and the economists, who are always active, have not omitted the opportunities that were offered them of dilating on what Mr. Pusey described as "the only blot in the agricultural hierarchy;" and by a constant agitation, by speeches and by writings, a certain degree of opinion on the sub-

ject has been formed. Since then the question of land tenure has been much examined with respect to a neighbouring country—Ireland. We have legislated upon it, and that, no doubt, has much tended also to stimulate the feeling on the question. But the view that Mr. Pusey took of this matter is one which cannot be impressed too completely on the House. When he came forward to advocate what was then for the first time called tenant-right, it was to protect, as he believed, the interests of the owners of the soil—to place them in a stronger position—as well as to place the occupiers in a juster position, and to remove the only circumstance which, in the arrangements of the different classes connected with agriculture, might lead to discontent, and be the pretext of ultimate changes in the tenure of land or the conduct of estates, which he deeply deprecated, and which had nothing whatever to do with the particular possible grievance which he wished to combat. Well, these views are now, as I said, still prevalent, and within the last few years have considerably extended. No doubt, if you take the case of a tenant-at-will, a yearly tenant, it is to be deprecated that he should be placed in a position in which he is not protected so far as regards the capital which he invests in the soil; and it is, no doubt, a subject to be lamented that there should be any circumstances in existence which prevent that application of capital to the soil which it is the interest of all classes alike to encourage. It is highly to be deprecated at all times that in the mutual arrangements of classes like the owners and occupiers of the soil of England—classes on whom we so much depend for the good order of the country—there should be anything which would be the cause of latent discontent or disturbance. Under these circumstances Her Majesty's Government have considered this subject. They have felt that it is of importance that we should deal with it, and that it should not be left to the speculative arrangements of classes who are not really anxious to remove the particular grievance which I am asking you to-night to consider, and who, taking advantage of the discontent which the grievance occasions, may be induced to advocate changes and views which are of a much larger and, in my opinion, of a pernicious character.

Considering, therefore, this subject, we have introduced a measure which has passed through the House of Lords without a division; and I will briefly put before the House the character of the measure. The measure proposes as a principle to secure compensation to the tenant for what in modern phrase are called unexhausted improvements; and to the owner compensation for waste and for injury which result from the breaking of covenants or contracts. It proposes to compensate the tenant for his improvements, which are now, for the first time, arranged under three classes. I do not know whether the House will pardon me for reading the contents of these classes, which are, no doubt, familiar to many hon. Members, but probably they will not object to my doing so. The tenant is to receive compensation for his improvements in these three classes—

## FIRST CLASS.

Drainage of land.	Making or improving
Erection or enlargement of buildings.	of watercourses, ponds, wells, or reservoirs, or of works for supply of water for agricultural or domestic purposes.
Laying down of permanent pasture.	Making of fences.
Making and planting of osier beds.	Planting of hops.
Making of water meadows or works of irrigation.	Planting of orchards.
Making of gardens.	Reclamation of waste land.
Making or improving of roads or bridges.	Warping of land.

## SECOND CLASS.

Boning of pasture land with undissolved bones.	Clay-burning.
Chalking of land.	Claying of land.
	Liming of land.
	Marling of land.

## THIRD CLASS.

Application to land of purchased artificial or other manure.	Consumption on the holding by cattle, sheep, or pigs of cake or other feeding stuff not produced on the holding.
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The tenant is to receive compensation for improvements in these three classes. The improvements in the first class are to be exhausted in 20 years; the improvements in the second class are to be exhausted in seven years; and in the third class the improvements are to be exhausted in two years. The tenant cannot make im-



ment that such legislation was an undue interference with the rights of property was one that had received its death-blow, and it only remained to consider in what manner legislation could be most beneficially applied. When they came to deal with the question of landlord and tenant, they admitted the right of the State to interfere with the conditions under which land could be owned and occupied within itself. That right, indeed, could hardly be denied. Every State had a *prima facie* inherent right to deal with those conditions so, as far as possible, to promote the general good of the community. But in England, as in most civilized countries, the State had for a long time forbore to exercise that right, and individuals had been allowed to buy and sell without restraint or restriction. It was a strange thing as regarded our own country, that while the State had forbore for a long time to interfere with the land tenure, when that interference had been called for and obtained it had not been on behalf of the general community, at a possible loss to some individual, but on the part of some individual to authorize the appropriation of those commons and open spaces over which the general community still had some right. He supposed that the right of the State to interfere was justified by the interest which it had in the development of the productive powers of the land and the well-being of the country. Now, what was the justification for the proposed legislation? He had looked at the Bill, but it was in the unfortunate predicament of having no Preamble. In this respect it contrasted rather unfavourably with another Bill presented by the hon. Baronet the Member for Devonshire (Sir Thomas Acland), which was called a Bill to secure a fair compensation to agricultural tenants, and otherwise to amend the laws relating to agricultural tenancies in England. That was a clear and tangible title and they knew what it meant: but when they had a Bill which was called merely the "Agricultural Holdings Bill," the vagueness of the title opened up a wide field of surmise and speculation as to what its provisions might be intended to effect. However, he would assume that the object of the two Bills was the same, and proceed to inquire what was the demand that had called for this proposal for legislation.

*Mr. Knatchbull-Hugessen*

The demand had been upon the part of the tenant-farmers of England, first, for compensation for unexhausted improvements, and, secondly, for greater security of tenure. How were these demands met by the proposals of the Government? The Bill proposed to enact that, on certain specified conditions, compensation should be given to the tenant on the termination of his tenancy; but if the landlord preferred to let his land, stipulating that no such compensation should be given, he was quite at liberty to do so. Then as regarded security of tenure, one year's notice was to be given instead of six months, which was now sufficient; but if the landlord preferred six months he was to be perfectly at liberty to stand on the old principle. In fact, this Bill allowed everybody to do exactly what he could do at present without it, and compelled no one to do anything which he had not hitherto done and did not wish to do. All that the Bill did was to give an indication of the course which the Legislature thought ought to be pursued, but which Her Majesty's Government had not the courage to say should be carried out. He questioned whether this permissive legislation would ever be satisfactory. But he should be told that he had not given a fair description of the Bill, inasmuch as it gave power to limited owners to charge their estates in respect of this compensation. So far, so good; but the question was not what should be done for the limited owner, but what should be done for the tenant-farmer; and this boon to the limited owner was not an incident of this particular Bill but one which must be given in any Bill upon this subject, whether permissive or compulsory. Then it was said that it would create a presumption in law in favour of the tenant farmer which he never had before. What did the right hon. Member care for a presumption in law which he could sweep away with one stroke of his pen? The very men who would sweep it away were those for whom they had initiated this legislation. If all landlords had been good ones no such legislation would have been required. He was not quite clear whether the letting value was to come into consideration at all or not.

Mr. DISRAELI: There is no letting value at all. It has been struck out of the Bill.

MR. KNATCHBULL-HUGESSEN was glad that it had been struck out. But in "another place" the letting value was spoken of as the keynote of the Bill; but the Government had, perhaps, been open to conviction. If the letting value was to be in any way a criterion by which compensation was to be computed, the Bill would render certain a great and immediate rise of rent. Hitherto, a landlord when told that a certain farm would let for £100 a-year more had often been wont to say, if the circumstances permitted, that the occupier was a good tenant, and as he had had it so long, the rent need not be raised until the next vacancy; but as soon as this Bill passed, if compensation was to have relation to letting value, farmers would be put up to rack rent and fined heavily for the kindness which was done them, or else landlords would be fined heavily for their kindness in having let their land below its market value. Now, he had looked very carefully through the Bill to see what its principles might be. One principle enunciated was the great and sacred principle of the freedom of contract, and that was the golden image which the Government had set up and before which they were all expected to bow down. Now there was nothing more dangerous than to be persuaded and guided by a phrase, without fully understanding and thoroughly analyzing its meaning. Now he put it to the House that freedom of contract, or rather freedom in contract, did not at this moment really exist in the hiring of land. Freedom there certainly was upon the side of the landlord, but the only freedom which the farmer had was the freedom to decline the contract if he did not like the landlord's conditions. Yes, but that was not freedom in contract—it was freedom to avoid entering into any contract at all. What he (Mr. Knatchbull-Hugessen) called freedom of contract was freedom on both sides, or something akin to freedom on both sides; both parties starting from some equitable basis to the conditions of which both were equally bound to conform. But when the letter of land was bound by nothing but his own will and pleasure, and the hirer of the land, if he contracted at all, was bound as to the conditions by the will and pleasure of the letter, he contended that there was no real freedom of contract in the common-sense application of the words.

And if it was replied to him that there was freedom of contract, because the letter of land was free to make what conditions he pleased, and the hirer was free to accept or reject them, then he maintained that such freedom was only vain and illusory, and that if it was sufficient freedom and there was no need for anything else, what was the necessity for introducing any Bill upon the subject at all? But there had been lately published in pamphlet form the opinion of a noble Duke upon this "freedom of contract" question which had been sometimes quoted and to which he wished to allude. The noble Duke took the case of a vacant farm, with six competitors for the same. One man offered 30*s.* per acre on condition that at the end of his tenancy his claim for compensation for improvements should be recognized. The landlord declined, because he could get the same rent from one of the other five applicants without any such condition. And the noble Duke contended that what the advocates of compulsion sought was to deprive the other five applicants of their liberty of contract, in order that the freedom of the first might be secured. With great deference to so high an authority, he ventured to think that that was an entirely erroneous way of stating the case. No one asked that in such a case any advantage should be given to the one over the five, but that all six should have a better starting-point, equally advantageous to all, before they began to bargain for the farm. Just as if six men were going into battle, one requiring a sword and the other five so anxious for the fray that they were willing to fight unarmed, a good general would insist upon their all being equally armed before the fight. And let it be especially noted that this which was asked was, though an advantage to the hirer, by no means an unfair weight upon the letter of land, because it was an advantage which would have a direct tendency to increase the amount of rent which would be offered for his land. Let them remember, moreover, that if they imposed restrictions upon freedom of contract in this matter they would be introducing no new principle in legislation. They had placed restriction upon labour in factories; they had put restriction upon labour in mines; they had passed Truck Acts, and they had interfered with liberty in the matter of educa-

tion. He had been told the other day, when he used the same argument upon a clause in the Merchant Shipping Bill, that there was no analogy between the cases, because in all the Acts he had mentioned they had been protecting women and children who could not protect themselves, whereas sailors—and now tenant-farmers were perfectly well able to do so. But he maintained that the Truck Acts were exactly a case in point. What were the Truck Acts? It was complained that certain manufacturers paid their workmen partly in kind and that the workmen thereby got an inferior article. Parliament interfered and directly broke in upon freedom of contract by enacting that wages should be paid in the current coin of the Realm. And he (Mr. Knatchbull-Hugessen) put it to the landowners and country gentlemen whether it was quite honest and consistent to join heartily and readily in this interference with the manufacturers, and then, when it became a question of aiding the tenant-farmers, who, through the competition for land were just as much at the mercy of the proprietors as were the workmen at the mercy of the manufacturers, to turn round and declaim against the wickedness of interfering with “freedom of contract?” Were they quite honest, moreover, in saying that they did not so interfere in this Bill? Its advocates were for ever saying that although the Bill was permissive, landlords would not like to contract themselves out of it when it was once passed. They would be ashamed to do so in the teeth of the public opinion in favour of what was now to be given. Well, what did that mean in plain English? That they were going to bring the weight of public opinion to bear upon freedom of contract, and to try to effect that indirectly which they had much better do directly, and in a fair, open, straightforward manner. Now, since he had placed this Amendment upon the Paper, he had been told two things from several quarters. First, that compulsion in this matter was impossible. Secondly, that it would be distasteful and injurious to landowners, many of whom would take their land into their own hands sooner than submit to it. Well, he did not believe in the “impossible” argument. He had seen so many things happen which had been deemed “impossible” and things had

gone on just as well. Of course, it was impossible to legislate for every case, or to provide for every detail in dealing with such a subject as that before them; but when once they had settled the general principles on which they thought the occupation of land should be based, and upon which compensation should be given, it was no more impossible to say it “shall” than to say it “may” be based thereupon. And his main objection to this Bill was that, having declared what those principles should be; having told the tenant-farmers of England that there was something which the existing law did not give them, but which they ought in justice to have—having defined that something and dangled it before their eyes—it then turned round and said—“You shall not have it unless your landlords in every case agree.” To his mind such a course was directly calculated to create discontent, to disunite landlord and tenant, and to give rise to an agitation which might eventually not be appeased by such a concession as would be deemed sufficient at the present moment. But why should compulsion be injurious—and if not—why distasteful to landowners? If it was distasteful, and if its effect would be to induce landowners to farm their own lands, he was not sure that such a result would be entirely unfortunate. There were many who thought that the severance of the ownership and the occupation of land was by no means desirable, and that laws which would tend to reduce the extent of that severance would be wise and good laws. But however that might be—as a matter of fact, although some gentlemen might take into their own hands land near to their residences, the truth was that the amount of capital required to farm land was so considerable, and the risks of a gentleman farmer so many and so great, that he was not all afraid that the mild measure of compulsion now under discussion would have the supposed effect to any appreciable extent. But—whether distasteful or not—how could it be said that it would be injurious to landowners? So far as rents were concerned, that would certainly not be the case. Let it be well understood that compensation for improvements and increased security of tenure, meant higher rents. That was a certain and undeniable fact. If he (Mr. Knatchbull-

*Mr. Knatchbull-Hugessen*



Hugessen) let his land to a tenant who was subject to a six months' notice, and who was obliged to leave in and on the land, for his (Mr. Knatchbull-Hugessen's) benefit for that of the succeeding tenant, all improvements which he might make, he (Mr. Knatchbull-Hugessen) could not expect so high a rent as he should obtain if the notice was extended to one year or two years, and the tenant had secured to him compensation for his improvements. It was plain, therefore, that they would have higher rents under a system of compulsory compensation, and they would not have long to wait for them. So much as regarded any fears which might be entertained on behalf of the landlords. But would a permissive measure satisfy the tenant-farmers? He would only quote one authority, that of the hon. Member for South Norfolk (Mr. Clare Read), who was one of their most faithful advisers. Speaking at a meeting of the Farmers' Club, at Salisbury Square, reported in *The Times*, April 6th, 1875, Mr. Read showed his ideas upon the present state of things in the following words. He said—

"A short time since he saw a lease which had just been signed. . . . He (Mr. Read) went through the lease with the farmer, and of all the monstrous and humbugging restrictions upon farming he ever knew these were the worst. The tenant happened to have a lease of the year 1800, and, except that the rent in 1875 was about double what it was before the wording of the lease was exactly the same. It was quite time that these restrictions in leases were done away with, and all that could be said for them was that he did not think they were ever enforced, or, indeed, ever thought of, by landlord or tenant."

But on May 4th, at a meeting of the same body, he thus spoke on compulsion—

"He most cordially agreed with the eloquent Professor (Professor Fawcett) in his views as to the necessity for a compulsory measure. . . . But he was one of those who, if they could not get all they wanted, would take what they could get."

Let the country gentlemen mark these and the following words—

"As it seemed the fashion to have permissive legislation, this might be taken, and a future Parliament asked to make it compulsory. . . . The present state of things was that half the farmers of England were holding their farms on a six months' notice to quit without any agreement for unexhausted improvements."

Then, as might have been expected,

there was a Resolution passed as follows:—

"This club also desires to express its conviction that any legislative measure which unsettles the existing relations of landlords and tenants, and does not, at the same time, fix them upon a secure and uniform basis, is more likely to prove injurious than beneficial to the great body of tenants holding from year to year."

Thus much for the opinion of the tenant-farmers! And, now, a few words as to the wording and intention of his Amendment. He had heard it objected to as being double-edged, intending to catch the votes both of those who desired a better Bill, and those who desired no Bill at all. For his own part, he thought that rather a merit than an objection. If he (Mr. Knatchbull-Hugessen) wished to knock down a wall, he did not stop to inquire whether those who helped him were persons who desired that there should be a better wall built in its place, or that the wall should be destroyed altogether. He wished to knock down the wall of permissive legislation. If no legislation was required, permissive legislation was too much. If legislation was required, permissive legislation was too little. Those who objected to legislation could hardly refuse to condemn that species of legislation which was avowedly only accepted as an instalment, and which could not be considered as a final settlement of the question. Those who desired legislation could hardly be satisfied with that which apparently gave something with one hand which it actually took away with the other, and which could only possibly be accepted as a stepping-stone to something else. He feared it was strictly true that whilst this Permissive Bill would give to nobody an advantage which he could not obtain without it, it would unsettle the relations between landlord and tenant from one end of the country to the other. It would create expectations which it would fail to satisfy, and it would disturb a condition of things which it would do nothing to re-settle upon a surer basis. He (Mr. Knatchbull-Hugessen) spoke as a landowner—nine-tenths of all that he possessed came from the land, and he was not anxious to injure the class to which he belonged. But he believed that a compulsory enactment upon this question, based upon clear and sound principles, would work the very reverse of

injury. Moreover, he could not shut his eyes to the state of the whole question of land and land laws in England at that moment. He saw much land in the country urgently requiring the expenditure of capital upon it, and plenty of capital ready to come to it, but that our land laws—our laws of entail and settlement—prevented the one from reaching the other. Could such a state of things be either satisfactory or permanent? England was in a peculiar position as regarded her land. The surplus lands were in her distant colonies; but over those surplus lands she had long ago relinquished her control. But the surplus population was here at home, rapidly increasing in numbers and intelligence. That population consisted mainly of persons who were not landowners, and to whom our land laws held out little hope that they ever would be landowners. Did not the House think that, among that population, many of whom had been, by recent legislation, newly endowed with a share of political power, there were many who regarded with something akin to envy that comparatively small class which owned the land of the country? Did they not suppose that they—the landowners were narrowly and jealously watched as to the manner in which they discharged those duties entailed upon them by the possession of land? And, now, that the Government had called special attention to the matter of land tenure, was it not probable that the landless part of the population would consider the question as well as they—the House of Commons—and that there might arise within their breasts thoughts and feelings with regard to the interest of the general community in the soil of the country which might, one day, clash somewhat rudely with their ideas of the sacred rights of property? They might call this a visionary fear, and tell him that it was founded upon revolutionary and Communistic theories. But he would tell them respectfully, but boldly, that they could not get rid of an idea by calling it revolutionary, neither could they demolish a theory by applying to it the term Communistic. He (Mr. Knatchbull-Hugessen) did not know why the Government had initiated this legislation. Perhaps it was at the behest of that noble Colleague of theirs (Lord Derby), usually reputed so wise and

cautious, who had made a statement so opposed to wisdom and caution, as to the capacity of the land of England of doubling its present production, which, more than anything else, had forced this question forward. Perhaps, there were other reasons. There might have been hustings' pledges to redeem, and election promises to fulfil, and Her Majesty's Ministers might have desired to appear again upon the political stage in their old character of "the farmer's friends." But if they had nothing better than this Bill to give to the tenant-farmers of England, he believed that they would appear in that character, as the play-bills said—"Positively for the last time." There was one thing, however, which he would venture to tell the Government and their supporters. They could not trifle with questions of this kind. They had invited legislation upon land questions, and that legislation would not stop with this Bill. It was land tenure to-day, it would be the laws of entail and settlement to-morrow. Public opinion would force them forward upon the path which they had entered. Well, then, what was the duty and the interest of the landowners in such a position as the present? Their duty and their interest both pointed in the same direction. Their duty and their interest alike dictated that they should ascertain without delay what it was that justice demanded should be given to the tenant-farmers; what it was that was demanded by the interest of the State in the development of the productive powers of the land, and, having ascertained this, that they should give it freely, give it outright, and not permit any one tenant to be deprived of it by the caprice of any one landlord, sheltering himself behind the specious plea of the sacred right of freedom of contract. It was their interest to settle this question, either by this Bill or by some other Bill, so that they might weld together in one harmonious agreement the owners and occupiers of land, and show to public opinion that they were anxious to meet and satisfy those demands the justice of which Her Majesty's Government had admitted by inviting them to legislate. If they shrunk from this, if they whined and protested against that compulsion which was necessary to make their legislation uniform and equal, they would only interpose a delay which must be

unwise and which might be dangerous. But if they now acted vigorously in the matter, and gave justly and generously what was asked, he believed their legislation would not be in vain. They would stimulate the productiveness of the soil, they would encourage the application of capital to the land, and whilst they would cement the bond of union which happily prevailed between their tenants and themselves, they would justify before the people their position as the privileged owners of the soil, they would immeasurably strengthen that position, and they would add one more element of stability to the constitution of England. When he (Mr. Knatchbull-Hugessen) had placed his Amendment upon the Paper he had fully intended to have taken the sense of the House upon the question of compulsion. He had, however, received advice from various friends to which he was bound to listen. It had been represented to him that many hon. Members would not consider its permissive character to be the principle of the Bill. It might be considered that its principle was the giving of compensation to the tenant-farmer for unexhausted improvements, although that compensation might not be given in the best possible manner. If this were the case a division at the present stage might not be the best way of advancing the principles which he advocated. He would therefore forbear to move his Amendment at the present stage, but would place words upon the Paper which would fairly raise the question of compulsion in Committee.

MR. CHAPLIN said, he desired to make a few observations upon this question, which possessed no little interest to himself and those whom he represented. He would not follow the right hon. Gentleman who had just sat down into those Communistic and revolutionary doctrines to which he had referred; but he thought it would be a misfortune to allow some of the fallacies to which they had listened to remain uncontradicted. He could assure the right hon. Gentleman of one thing—that those, at least, who sat upon the Ministerial side were not to be deterred from doing what they believed to be just and right to-day from the fear of any ultimate consequences which might happen to-morrow. The Bill which was now under consideration, and the subject to which it referred, had

of late, no doubt, given rise to many considerable discussions beyond the walls of Parliament; and therefore he thought it, perhaps, might not be out of place if the House were to consider for a moment the grounds upon which legislation of this kind, generally speaking, had been demanded. As a justification for that demand, he thought it might be stated that much of the soil of this country was very ill-farmed; that it produced, in consequence, nothing like what it might and ought to produce; and that for that state of things the non-employment of capital to a sufficient extent in its cultivation was mainly responsible; and again that the cause of that absence of capital was to be found in the present state of the law, which did not afford to the tenant the substantial security which he ought to enjoy. There was, no doubt, a great deal of truth in these allegations. He believed that the necessity for legislation was not so great or so urgent as had been represented. The public feeling in its favour had been very much overstated. There were, beyond doubt, many districts and some counties in England where nothing of the kind was required. But, at the same time, it must be remembered that there were many other parts of this country which were not equally favoured, and where from some cause or another—partly, no doubt, owing to the absence of sufficient security—the cultivation of the soil was not creditable either to landlord or to tenant, and did not produce anything like what it might be made to do with profit. He said with profit, because some loose statements had been made, and high authorities had been quoted, to the effect that with proper security and adequate application of capital the produce of the soil might be doubled, or even trebled. Now it might very likely be true that by an unlimited outlay, if you thought fit to do so, that you might double or treble, or possibly even quadruple the produce, but then the question arose, How far would it pay you to do so? and what the tenant-farmers had to consider was this, not what was the greatest amount which the soil could be made to produce for the benefit of the consumer, but what was the greatest amount they could hope to obtain with a reasonable hope of profit to themselves. Putting aside altogether these high-flown notions of the increased amount of pro-



duction which might result from Parliamentary action, he was himself of opinion that some legislation was very desirable, and believed that a well-considered and business-like Bill on the subject would result in the development and improvement of agriculture throughout the country, to the advantage of all the parties concerned. High farming could not in these days be conducted without great outlay on the part of the tenant; no tenant was justified in such an outlay unless he received sufficient security for his capital; and it was, moreover, as much for the interest of the proprietor as for the interest of the tenant that this security should be forthcoming. Regarding the question in this light, he could honestly say he heard with very great satisfaction that Her Majesty's Government had made up their minds to deal with the question, and it was with proportionate regret that he witnessed the opposition of his right hon. Friend (Mr. Knatchbull-Huguesen). From the Amendment he should have inferred either that his right hon. Friend was opposed to all legislation, or else that he desired to see legislation of a compulsory character. He gathered, however, from his speech that it was the latter of these propositions which met with his right hon. Friend's approval. He was sorry to say he could not agree at all with his right hon. Friend. He should have thought it would be a sufficient answer to his right hon. Friend to say that to suspend freedom of contract in a country like this, especially in their business relations between any two classes of the community, was an evil which ought at all times to be avoided, unless there existed a serious necessity for taking such a step. Without denying that occasions might arise when to suspend freedom of contract would be a necessary evil, he maintained that this was certainly a measure which ought not to be lightly adopted. Besides, his right hon. Friend had altogether failed to-night to make out a case for compulsion. With the experience we possessed, it was difficult to comprehend on what grounds his right hon. Friend's propositions could be seriously brought forward. They had heard a great deal about the Lincolnshire custom, which had been found to work by experience remarkably well, and which practically governed all the relations between landlords and tenants

in that part of the country. But that custom, which possessed the whole force of law in that part of the country, was only permissive, and, in that respect, stood on precisely the same footing as the Bill which his right hon. Friend condemned, and Lincolnshire stood by no means alone. Similar customs existed in Nottinghamshire, in Yorkshire, to his own knowledge, and in many other counties. Now, all these customs were wholly permissive, and he could not see why, if customs which were permissive answered so remarkably well in many parts of the country, a Bill which was likewise permissive should be a disastrous failure in every other part of the country. Why was this Bill to be a dead letter? When he heard it scouted and talked of as being nothing but waste paper, he wished to know whether those who made such remarks could deny that we were making a great, nay, even an enormous concession—though he admitted it was but a just and righteous concession—when by a stroke of the pen we reversed the whole presumption of law, and created on the part of the tenant a right to, and a property in, everything which he put into and left in the land, and which, though it now belonged to the landlord, would in future belong to himself. After we had done so much for the tenant, even if his landlord should be foolish enough to ask him to do so, what was there to induce the tenant to enter into any agreement that would deprive him of the substantial benefits which the Bill was intended to confer? The measure was for the mutual benefit of both, and they were both of them perfectly well aware of that fact, and when his right hon. Friend said that a contrary state of things under this Bill would always prevail, he must be pardoned for remarking that his right hon. Friend assumed that the tenants and landlords throughout the country were fools, and that the landlords were knaves into the bargain. He would now make a few remarks with regard to the measure itself. First, with respect to the announcement made this evening by the right hon. Gentleman at the head of the Government, he thought it was satisfactory as far as the first and second class of improvements were concerned. With regard to the third class of improvements, which

were divided into artificial manures and feeding stuffs, there was one alteration which he thought ought to be made. In his opinion, compensation for artificial manures and for feeding stuffs ought not to be given on the same scale, because in regard to the latter the tenant recovered half the outlay by the increased value of the animals which used them. Again, in the 35th clause he found a provision by which, under certain circumstances, a tenant was to receive his compensation only by instalments. This provision was exceedingly hard and injurious to the tenant, and he hoped Her Majesty's Government would devise some way of altering it on a future occasion. As regarded the 42nd clause, extending the notice to quit, he confessed this was a matter on which he had always held a most decided opinion. He objected altogether to extending the notice to quit from six months to 12 months. If the Bill were a good Bill, as he believed it to be, additional security was wholly unnecessary; if it were a bad Bill, the additional security was not nearly sufficient. Six months notice to quit had always been the custom in the county of Lincoln, and it had been found to answer remarkably well. The effect of extending the notice to quit to 12 months would be that the farm, in 99 cases out of 100, would be left in a condition from which it could not recover for two or three, or even three or four years. He was heartily glad the Government had brought in the Bill and made an honest and statesmanlike attempt to deal with a question which had lately attracted much public attention. It was in that spirit that he hoped it would be received by the House—it was in that spirit in which it would be met by the country—and it was because he believed it would have the effect of developing and improving the condition of agriculture throughout the country that he should cordially support the second reading.

MR. LOWE said, the First Lord of the Treasury, in introducing this Bill, did not give any reason why he brought it in. The right hon. Gentleman represented it to the House as a Bill consisting mainly of compulsory compensation for improvements to be made by landlords to tenants, and also as a Bill to maintain freedom of contract. Such was the sketch given by the right hon. Gentleman of his own measure. If that were

a perfectly correct sketch of the Bill, he thought nothing would be easier than to demonstrate its futility in one sense or its unfairness in another. He thought it would be eminently unfair to pass a Bill stating that, in the opinion of Parliament, such and such a thing ought to be done, without Parliament taking upon itself the responsibility of making it compulsory. If this were the correct view of the Bill, it would be open to very grave objections indeed. But there was another view which the right hon. Gentleman seemed to take of the Bill, and which, in his opinion, was equally objectionable. The right hon. Gentleman seemed to think that it might be a right and a good principle that we should force upon landlords in general the giving of compensation for unexhausted improvements. Now, such a measure, taken by itself, must be either futile or unjust. It was unjust if it imported a new term into a lease or a contract which was entered into between the two parties; it was futile if it endeavoured to insert a new term in a contract in which both parties were perfectly free. In other words, if they insisted upon putting into a lease a compulsory term that the landlord should give compensation to the tenant for unexhausted improvements, that landlord would certainly take care that he himself was compensated in rent for what he thought he would lose in the other direction. Therefore, such relief offered to a tenant was nugatory, for what he gained on one side he was certain to lose on the other. If, then, this Bill was what its introducer described it to be—namely, a Bill in which we legislated with one hand and took away that legislation with the other by means of freedom of contract—he thought it would be an unjust or a futile Bill. But he did not think the right hon. Gentleman had done justice to the provisions of his measure. He had risen to speak, although very little competent to deal with the greater part of the question, in order to show what seemed to him would be the result of this measure. The Bill did not apply to existing tenancies at all; where there were leases it did not apply, and of course it never would apply, because when a lease came to an end two or three words inserted in the new lease would exclude its operation. Therefore, as far as leases go, the



Bill was entirely out of the question. The sole point in this Bill was its application to tenancies-at-will, and with reference to them it had a very serious application indeed. There was an important clause in this Bill which lengthened the notice to be given to the tenant from six months to a year. Then what the Bill said was this—

"That after the expiration of the first complete year of the tenancy which shall have expired after the passing of this Act, the tenancy-at-will shall be a new tenancy with a twelve months' notice."

Look at what position the landlord would be in at the end of that period. He would have fastened upon him a compulsory clause for compensation for tenants' improvements, with all the vexatious details which were necessarily attendant. Besides that, he would have fastened upon him the necessity of giving double the time of notice he was compelled to give before. These things were not only grievous to the landlord, but they would work into each other. When the landlord and tenant were in dispute about unexhausted improvements the great length of notice required must give considerable advantage to the tenant, while at the same time the annoyance to the landlord was increased. That was the position in which the landlords would find themselves if the Bill passed into law at Michaelmas, 1876. Now, what would the landlord, under such circumstances, do? Would he go on with the tenancy from year to year? It was to his (Mr. Lowe's) mind clear that the landlord would not, and that the effect of this Bill would be to drive the landlords, many of them against their will, to give up the present tenure from year to year, and have recourse to leases. A great many persons thought this would be an improvement. He was not arguing that point. He was pointing out the effect of this Bill, which was supposed to give compensation to the tenant—a feature which could easily be got rid of by a clause in the lease. The real effect of the Bill would be to abolish the tenancy from year to year. That was a very serious matter. He ventured to ask for whose benefit was this to be done? Was it for the benefit of the landlord? No, it was not, for it was competent for the landlord now to put an end to the tenancy from year to year, and

give the tenants leases. There was, therefore, no enabling power wanted so far as the landlords were concerned. The landlord was a very considerable loser by the tenancies from year to year. In some parts of the country with which he was acquainted land was very considerably underlet. The landlord was surrounded by neighbours, and something was due to good-fellowship with those whose families had lived on the land as long as his ancestors. Something was due to indolence, to the intense dislike of the annoyance of changing the old system, and something was due to a wish to preserve political influence, and to a desire to live on good terms with neighbours, and to be well thought of and spoken of. All this had combined to make landlords tolerate and go on with this system of underletting. This system was the creation of the Courts of Law some 200 years ago, when men wished to have a tenure which would not require lawyers to settle the terms, and it had answered the expectations of landlords and tenants to a great degree. It was quite clear the change was not to be made for the sake of the landlord. Then, was it for the sake of any great or abstract principle? Was there anything wrong in tenancy from year to year, that they should load it with penalties, so as to drive people out of it? He held this to be the falsest of all legislation, and he, for one, entirely objected to it. He was not going into the question of freedom of contract; but he thought it unwise, where the thing was perfectly innocent in itself, to try to put it down merely because parties not concerned in it thought they could do better in some other way. It was this meddling in a shallow, interfering spirit which made legislation objectionable, and even mischievous and contemptible. Though there might be an opinion that the Scotch system was better, or that other systems were better still, it was a subject to be worked out as things had hitherto been worked out between the parties principally concerned. Their interest was that the land should yield the best return it could, and he thought they had much better be left alone, unless they were doing something palpably wrong or something injurious to public policy. The third case remained—Was this for the interest of the tenant? It was put

*Mr. Lowe*



forward as in the interest of the tenant. Now, look at what would be the inevitable result if the Bill was carried into law. At Michaelmas in 1876 the landlord would be burdened with the onerous conditions already described; he would find himself singled out for burdens which were imposed on no one else, and he would say—"I will no longer submit to these burdens which Parliament has devised; I will get out of it by giving leases." Was that all? Did they suppose that the landlord would submit to the trouble of putting all his tenants under leases, of altering the system which had been adopted in his family for 100 years, and take nothing for his pains? These lands were very much underlet, and the landlord would say it was impossible the rents which existed under a tenancy from year to year could remain the same if he was to give a lease for a number of years. The effect of this Bill and the end of all the professions of friendship for the tenant would be this—that rents would be considerably raised, and the tenants now holding on easy terms would be considerably impoverished. This would be the necessary result of the measure they were asked to pass. It was because he felt this strongly that he ventured to go out of his own sphere to put his views before the House. He maintained that the great effect of this measure was limited to tenancies from year to year, and the weight of it would fall entirely on the tenants who now hold from year to year; and on this point, having been brought up in early life among farmers, he thought he knew something of their feelings. He ventured to lay this proposition down, that there was no contingent benefit so brilliant as to recommend a farmer to a rise in his rent. Next to that, because it necessarily implied it, there was nothing a farmer held in so great a horror as a re-valuing of his holding. These were the two things which they were going to accommodate the farmers with by way of making them happy, and establishing good-will between them and their landlords. The Bill, in fact, would force landlords, by the two clauses requiring a year's notice instead of six months, and compensation for unexhausted improvements, to give up yearly tenancies at rents comparatively low, and to substitute leases; and as regarded tenants, it would raise their

rents and destroy the tenancies under which they had lived happily and comfortably for generations. He thought this Bill, so far from allaying agricultural discontent, must greatly increase it.

MR. PELL said, that the House had been ably addressed by two hon. Gentlemen who were connected with counties in which the custom of tenant right existed—namely, Lincolnshire and Nottinghamshire. He would ask those hon. Members, whether, in their opinion, the right hon. Gentleman who had just spoken was well-founded in his apprehension that the introduction and operation of the custom would have the effect of raising rents. For his part, he was not aware that rents were higher in the two counties he had named than they were in counties in which the custom did not exist. But custom was of slow growth; and, in his opinion, Her Majesty's Government had taken a wise and prudent course in proposing to step in and endeavour to supply an existing want. As far as he was able to judge, their proposals had given satisfaction to the tenant farmers of the country. What was wanted was freedom to the landlord to enter into an agreement with his tenant which should be binding upon all comers. The misfortune of the present law with respect to limited owners was that any agreement they entered into was binding only as against themselves, and was not binding upon purchaser or mortgagee. A charge even for permanent improvement fell solely upon the personal property of the limited owner. The Bill, however, would enable a landlord to agree with his tenant as to certain improvements of a permanent nature, the charge for which would fall upon the estate and not upon the personal property of the landlord. The right hon. Gentleman (Mr. Knatchbull-Hugessen) said, he was in favour of compulsory legislation, and intimated that he would endeavour to embody his views in a practical form in Committee. He hoped the right hon. Gentleman would do so, and he had no doubt he would find that any effort to make the Bill compulsory would fail in England as it had already failed in Ireland. As long as rent was an open question, any attempt in the direction of compulsion must fail. Suppose that a compulsory clause were inserted in the Bill, and became law, what would be easier than

for a landlord to say to his tenant—"You can have your farm for nine years at £1,000 a-year for the first eight years and £3,000 for the ninth if you avail yourself of the compulsory clauses of the Act; if you do not, the rent for the ninth year will be £1,000." To his mind it was quite obvious that compulsion would not do. It would involve a valuation by a Government valuer, or someone else, who would fix the rent and convert the landlord into a mere rent-charger. He deprecated much of the discussion on this subject which had been carried on during the winter by hon. and learned Gentlemen and other Members of that House, and he challenged them to try and put their notions into a practical form. Do not let them rest with endeavouring to propound to simple-minded men coming out of the country ideas of law and legislation and political economy which he believed could never be reduced to practice. The effect was to unsettle the mind of the tenant farmer, and to lead him to believe that his landlord was not willing to enter into fair conditions with him, but rather entertained a wilful desire to keep, so to say, the whip hand of the tenant's capital. The House had been told that capital was kept off the land—that all that was wanted was a large expenditure of capital in the cultivation of the land. Well, he had cultivated land as a tenant for many years, and for a man of moderate means had some considerable stake in its cultivation, and he ventured to say that what he and tenants like himself endeavoured to do was, not to keep as large a capital as they could upon the land, but just as much only as would bring them the best return for their money. He asked hon. Members to consider whether there were many tenant farmers in England who had a surplus of capital which they were desirous of placing on the land. For his part, he did not think that tenants would better their position by diverting some of their capital from the cultivation of the land and devoting the money to its purchase. The return they obtained for the cultivation of the land was, perhaps, 8 per cent, while the landowner had to be content with 3 or 3½ per cent—[An hon. MEMBER: 2 per cent.]—in many cases, 2 per cent; and a co-partnership, in which one partner obtained 2 or 3 per cent, and the other 8 per cent,

*Mr. Pell*

was not an unsatisfactory one, at all events for the latter. One reason why they could not expect much surplus capital to be invested in land was that better investments could be found. Cultivation was found at its best where there were no other industries competing with it, as in Norfolk. In counties where there was no other industry but the cultivation of the land there was the best mode of cultivation, whilst in counties where there were many other industries the cultivation was of the worst kind. As one interested in the cultivation of land, he expressed his thanks for this measure. He did not believe that landlords would be eager to contract themselves out of the Bill. He happened to hold two farms—one under lease and another under yearly tenancy—and he believed that his landlord would be glad to avail himself of this Bill. If he wanted a cottage built, his landlord would be very likely when this Bill was passed to tell him to build it himself. If a few hundred pounds were wanted for draining, his landlord would probably recommend him to do that also. So far from landlords being anxious to contract themselves out of the Bill, they would, he believed, be anxious to keep within its limits. It was, however, important to know whether either landlords or tenants would have the power to contract themselves out of a part of the Bill, leaving all the other parts intact. It should be, if possible, left to the landlord and tenant to make an agreement as to particular items, and when it was agreed that no claim should be made for those items, that the Act should operate in other respects. He trusted that as little time as possible would be spent over this preliminary discussion, and that the House would go into Committee on the Bill.

MR. W. C. CARTWRIGHT said, he thought that the cardinal principle of the Bill—that substantial security should be given to the tenant, was one that was most desirable. It was another question, however, how far the provisions in the Bill would carry out the principle so as to make the Bill acceptable to both parties. The Bill was brought in to alter the assumption that all improvements effected in land should belong to the landowner, and a Bill of this kind should be based upon a few simple prin-

ciples, and should be elastic so that it could be applied to the country at large. If, however, they went into details, then the Bill could not be applied to all the various circumstances which existed in different parts of the country. Great care also should be taken to avoid terms that might be ambiguous and which would lead to misapprehension and misconception between the landlord and the tenant. He thought that the Bill erred upon both these points. The Bill mixed up two matters that should have been kept separately — namely, the operations that came within the ordinary course of cultivation and those which had nothing to do with the cultivation, but rather with the improvement of the soil, and anything that encroached upon the duties hitherto performed by the owner might create anomalies which, as in the case of Ireland, would require to be remedied by exceptional legislation. The House had heard from the Prime Minister that the "letting value" was to be removed out of the Bill. He had not, however, been able to satisfy himself whether it was to be entirely removed, or whether it was not still to be retained as a gauge and test of the compensation to be given in the larger class of operations. In the latter event, it would be very likely to operate against the end and aim of the Bill, which was to secure fair and equitable compensation to the tenant for what he might have put in the soil, but of which he had been unable to reap the benefit in consequence of the determination of his tenancy. If letting value was to be retained as the measure on certain improvements, then this difficulty would arise. Collateral circumstances might improve or deteriorate the letting value; and in the latter event a tenant who had sunk a great deal of capital in the land could get no compensation because there was no improvement in the letting value. According to the Bill the second class of improvements might be undertaken by the tenant of his own will and discretion, and all that was reserved to the landlord was the power to make a note either in his memory or otherwise of what was done. The landlord might go down and see how, perhaps, a young and theoretic farmer was doing what might prove of permanent mischief to his property, and would not have the slightest power to stop the mischief. That was an inva-

sion of the rights of property which could hardly recommend itself to Members on either side of the House. Well, then, if the question of the letting value was brought into the Bill or retained in it, it would be likely to militate against the end and scope of the Bill, which was relief to the tenant. If the provision with regard to the second class of improvements was retained the inevitable consequence would be that to the majority of landlords the Bill would be a dead letter, because they would immediately contract themselves out of it. Was it wise, he asked, to pass a Bill with such provisions in it? He would advise Her Majesty's Government to reconsider this matter; but he did not think it for the interests of either landlord or tenant that the measure should be suspended for another year, and that the country should be subjected to a declamatory agitation in the meantime.

MR. M'COMBIE, speaking from a practical Scotch farmer's point of view, could say this Bill would do no harm — therefore it would do no good to oppose it. It gave nothing to the tenant-farmers, but it took nothing from them. In his humble opinion, it was one of the most innocent Bills ever brought before that House. But what they had to do was to judge of the Bill before them. There was no doubt the noble Duke (the Duke of Richmond) who introduced the Bill to the other House would give his previous consent in writing to his tenants for compensation in respect for improvements in the first, second, and third classes in the Bill. But who would follow his good example? Not one in a hundred. Why, their proprietors laughed at the very idea of giving their written consent for the payment of improvements to which they were entitled by law on the bankruptcy of the tenants, or on the termination of their leases. The tenant farmers at present could not even move the materials of the buildings they had erected — all went to the proprietor. That was an every-day occurrence in Scotland: without a compulsory clause the Bill was a dead letter. He thought the classification of improvements had not been drafted by a practical farmer. They were very badly arranged, some being in the second class that ought to be in the first. He would refer to two — namely, undissolved bones and



liming. Instead of seven years, undissolved bones it was well-known took 40 or 50 years to dissolve themselves in the land. They should have been at the very top of the first class; and lime did not exhaust itself in less than 20 years. Drainage, if properly executed, ought to be almost permanent. Then they had the erection and enlargement of buildings. Instead of 20 years, they all knew that well-built barns and cottages would be but little worn in 50 years. Then they had bridges. He knew bridges hundreds of years old, and as substantial as the day they were built. They had fences; their stone walls were permanent. Then came the reclamation of waste land; the advantages would only be coming into full operation in 20 years. Speaking as a Scotch tenant farmer, and knowing the opinion of the farmers of Scotland in regard to this Bill perhaps better than any Member of that House, and as a duty he owed to his constituents, he must take that opportunity of informing the Government and their supporters of the universal opinion entertained of them by tenant farmers of Scotland, and it was this—that the Government and hon. Gentlemen opposite wished to give nothing, and were fully resolved to give nothing, for the relief of their grievances. They might well observe that the tables were fast turning against the landlord's interests. An offer could scarcely be obtained for farms of an inferior land with us, even at a reduction of rent, and for 10 or 20 applicants they had for such farms six years ago, now it was difficult to find one. If the price of labour continued, as there was every prospect, instead of the tenant farmers having to bow, scrape, cringe, and be the humble servants of the landlords, the landlords would have to come down. They would have to alter their overbearing conduct; they would have to relax the tyrannical conditions of their leases; and they would have to submit to reductions of rent. The House might depend upon it they were fast drifting to that state of matters. With them it had fairly begun. Their best farms would always let; but the farms of bad land must go out of cultivation, or the proprietors must take them into their own hands. But before he sat down he must inform the Government what their tenant farmers thought of their Bill—

*Mr. M. Combie*

they thought it unworthy of notice, and viewed it with contempt.

COLONEL BRISE thanked the Government for bringing in the Bill, which he believed would be highly appreciated by the tenant farmers of the country. He thought that legislation was necessary to meet exceptional cases in which great hardships were suffered. The law now gave many improvements to the landlord to which he had really no moral right. This Bill would put custom in force uniformly where custom now prevailed. There were many varieties of custom in the Midland Counties. He had had experience both as an outgoing and incoming tenant, and he had always been paid for outlay in manures on root crops in the last year of his occupation. This, however, was not always the case, and the custom was not to have root crops in the last year of a tenancy, but to have a long fallow. That was a great disadvantage to the country, especially in instances which he had known comprising one-fourth of the tenant's occupation. He had been practically compensated as a farmer by long leases and low rents, and the Legislature, in introducing this Bill, had done it to meet exceptional cases. He thought security of tenure was the best compensation that could be given to tenants, for with it they could best compensate themselves. If the system of leases prevailed generally, they would not have felt so much the need of this Bill. The Earl of Leicester recently, in a speech, advised the farmers of Norfolk to contract themselves out of this Bill, if it ever passed into law. If they could get leases, no doubt they might do without such a Bill; but he did not know any good landlord who would object to have the provisions of this Bill inserted in his leases. He had been an advocate for very long leases, and in the early part of his life he granted them for 21 years. He had lived long enough for many of them to expire, and having outlived that time, he now granted them for only 14 years. The Earl of Leicester, in the speech he had referred to, said he had spent £250,000 on his estates in Norfolk; but he admitted that the outlay had been unremunerative, and in some respects he recommended the acceptance of this measure by the farmers, in order that they might be induced to invest their money. He also hoped and believed that

they would. They did not want legislation in the general sense for improving the position of the landed interest. They did not want unnecessary laws or restrictions. The laws made to better the condition of the agricultural interest had failed to be of any advantage to them. They had derived advantage, not from the enactment, but rather from the repeal of legislation intended for their special benefit. The principle of this Bill was fairness and justice, and therefore he gave it his support. This Bill said to the tenant farmer—"Make your own terms; if you do not, we will make them for you." He should like it to be made a little more stringent. In the case of annual tenancies, the adoption of the Bill ought to be made compulsory in respect of the third class of compensations. If landlords were so arbitrary or dictatorial as to say that they would not have this or that, they ought to enter into leases, even if they were only for a very few years. If a tenant was not to be entitled to come under the Bill, there was every reason why he should have a lease for a certain number of years, in order that he might have some opportunity of reclaiming the capital he might put into the land.

SIR GEORGE CAMPBELL rose to move the following Amendment:—

"That the relations between landlord and tenant will not be put on a satisfactory footing by any measure which does not make it obligatory on landlords to give sufficient security to tenants either in the shape of a right to compensation for capital sunk in the soil, to be paid in the event of a determination of the tenancy, or by lease of sufficient duration."

He was encouraged in the bringing forward this Amendment by the speech of the right hon. Gentleman (Mr. Disraeli), which defended the principle of it better than anything he could say. The right hon. Gentleman had told them how the question had been considered by that eminent man Mr. Pusey, and how he came to the conclusion that leases were all very well, and had numerous advantages, but that there were a great many men who did not desire to have leases. There had sprung up in England a system of yearly tenancies which had proved agreeable to both landlords and tenants, many of whom therefore desired to continue it; but, as the right hon. Gentleman had shown, that system of yearly tenancies was hampered by the fact that when a tenant had invested his capital

in the land he was liable to eviction at short notice, and thus to the confiscation of his property. It was therefore desirable and necessary that when landlords let their lands without leases some security should be given in the shape of compensation for unexhausted improvements. The right hon. Gentleman had said the necessity of compensation for the tenant existed, but must be tempered by the necessity of maintaining the great principle of freedom of contract. But what argument had he brought forward for the maintenance of freedom of contract in this particular case? None whatever. He had simply told them it would be impossible to carry compulsory clauses because they would be repugnant to the land-owning party. There was nothing to contradict the assumption that the right hon. Gentleman did recognize the necessity either for landlords consenting that their contracts should be in the form of leases, or that the right to compensation should be an actual legal right, and not merely a permissive allowance at the will of the landlord. The Amendment he had put on the Paper had been conceived in no spirit of hostility to the Bill before the House; on the contrary, he thought that, so far as the Bill recognized the principle of compensation for unexhausted improvements, it went in the right direction, and if he could get no more he was inclined to accept the Bill as better than nothing. He agreed with the right hon. Member for Sandwich (Mr. Knatchbull-Hugessen), that if they got so much now they might get more hereafter—that if a permissive Bill was now passed, then the necessities of the case would probably lead to a compulsory Bill by-and-by; and he had heard nothing from the right hon. Gentleman to make him believe that he dissented from that view. He regarded the Bill in its present shape as framed for the most part in the interests of the landlord. It was a concession which the landlords of the country were willing to make, and in their hands its provisions had been so whittled away or counteracted by safeguards that it almost ceased to be a boon to the tenant. The object he (Sir George Campbell) had in view was by the most moderate means possible to give some vitality to the Bill, and to satisfy the farmers, with the least possible disturbance of the existing order of things.

He was quite sincere in that expression of moderation, and he had ventured to put his Amendment on the Paper because he thought some of the other propositions made inside that House and out of it went too far. The Bill, as it now stood, must be ineffectual in securing any considerable boon for the farmer. As to the larger class of permanent improvements, it was nothing more than a delusion and a mockery. To begin with, the farmer had no right to compensation unless, beyond and outside the Bill, he obtained the written consent of his landlord. Suppose the landlord consented, what sort of a bargain had the tenant got, then, under this Bill? It was something like "Heads I win, tails you lose." If the improvements should prove a failure—and all improvements involved some risk—the loss fell on the tenant; but if it proved a success, the principal gain would be to the landlord. The changes which the Government had announced its intention of making in regard to the letting value principle, might to some extent obviate that objection; still, this difficulty remained—that improvements, some of which, as testified by the practical Member for Aberdeenshire (Mr. McCombie), might last for 50, 60 or 100 years, were all to be treated as lasting for only 20 years. What man would build a house in London on a 20 years' lease? Nobody; and it was unfair to set so short a duration on farm improvements. The tenant had to get the landlord's written consent; but if the tenant had to go through that process at all, he would probably insist on making a much better bargain than was provided for him by this Bill. Therefore, in regard to those permanent improvements, he repeated that the Bill was a mockery and a delusion. In regard to the second class of improvements, the Bill was spoiled by the fact that, in order to get the advantage of its provisions, the tenant must give written notice to his landlord. The result might be sometimes to place the landlord and tenant at variance, and thus to detract from the usefulness of the clause. The general effect of the provisions of the Bill in regard to compensation was that the minimum of compensation called for by the necessities of the case should be paid by the landlord, provided the landlord did not object. The compensation clauses were

almost entirely nullified by the permission given to the landlords to contract themselves out of the Bill, which there was good reason to believe many of them would do. The practical effect of the Bill when it became law would probably be, as had been stated in "another place," that the landlords would insist on new contracts and new valuations, and the old state of things would be disturbed, and a new order of things introduced, to the profit of the landlord, no doubt, but not to the contentment of the tenants, to whom the consequence would be hard terms, onerous conditions, and increased rents. He agreed with the hon. Member (Mr. McCombie) who had said the Bill would not content the farmers, and that their last state would be worse than their first; so that such discontent would ensue as would render it impossible for this measure to be regarded as a final settlement. He admitted that, in some parts of the country, where the relations of tenant and landlord were based entirely on contract, viewing the question from the standpoint of strict political economy a great deal might be said in favour of hard bargains and high rents. Where farming was conducted strictly on commercial principles, and rent was driven to the utmost, they sometimes got higher agriculture; but he confessed that on these questions and some others he was, to a very considerable degree, Conservative. He was not anxious very rapidly to disturb the existing arrangements, which satisfied the parties even if they did not lead to higher agriculture. He should be content if they could get rid of the worst evils of the present system, and allowed improvements to be effected gradually with the consent of the parties. They must not forget what the right hon. Gentleman had so forcibly reminded them of, that through the greater part of England yearly tenancies prevailed, and the tenants were generally unprotected in regard to improvements. In some counties they were protected by leases, and in other counties, such as Lincolnshire, by a custom which gave them a legal right to compensation; but in the greater part of England it was as he had stated. The tenant was entirely dependent on the will of his landlord, and was always liable to the confiscation of his property without compensation. That constituted a social and



political as well as an economical evil. It was true that landlords did not frequently evict their tenants, and it was also a fact that, thanks to the social influences prevailing in England, landlords were generally good. At the same time, there were exceptions to the rule, and sometimes even a good landlord was misled and prevailed on by political or personal feelings to do injustice to his tenants. They had had a case of the kind in Scotland. A landlord, probably not a very bad one, did evict a farmer, one of the first of his class, because he had offended him on certain public and political matters. It was a gross injustice that tenants should be liable to eviction because of political excitement. Although the confiscation of tenants' property was not the rule, yet the very liability to the exception constituted a state of insecurity which was a great and real grievance, and which Government had admitted the necessity of trying to remedy. The dependent condition of the tenant farmer was a social and political evil which ought to be removed. On grounds of public policy they ought not to allow a man to make a contract which placed him in a condition of dependence contrary to the freedom of an Englishman. He wished to apply the minimum of compulsion, but the landlord ought not to be able to escape the equitable obligation to compensate his tenant in cases of eviction. Though he proposed that it should be optional that compensation should be given in the shape of long leases, or in some other shape, he must guard himself from saying leases were alone and in themselves sufficient security. That was still an open question. Scotland, no doubt, was a more advanced country than England. ["Oh!"] Well, that was his view. Scotland being a more advanced country, they had reached there the more advanced stage of leases. But whether they were sufficient in the advanced state of agriculture was open to doubt, and he would say this, that long leases made the farmers in Scotland what they were not in England—independent men, who could hold their own with their landlords. For social, political, and economical purposes, leases were, at all events, far better than yearly tenancies unaccompanied by the right to compensation. He was not so prejudiced in favour of

leases as to suppose nothing else could be satisfactory, and he was aware that in many parts of England there was a preference for yearly tenancies; but if they wished to stop agitation, they must make some concession on this question of compensation, and do something to restore the tenant-farmers to the position of free and independent Englishmen. The present system necessarily made the farmers a poor hereditary caste, and no energetic men of capital would embark in the pursuit while there were no leases and no tenant right. It was true under a commercial system of farming they had a lot of "retired tinkers and tailors," as they had been termed, who settled down as farmers, and in Scotland the sons of retired shop-keepers were often most successful farmers; but so long as the present system continued, men of energy and capital would not in general invest it in agriculture under the English system. He believed that wherever there was superior farming in England, it would be found that as a necessary condition some protection had been given to the tenant in the shape either of a lease or tenant right. What he sought by his Amendment was to put so much compulsion into the Bill as would set England generally on the same footing either as Scotland or Lincolnshire. The great objection urged to compulsory compensation was that it interfered with what seemed to be regarded as the religious principle of freedom of contract; but he contended that there were various precedents for interfering with freedom of contract, and other kinds of freedom as well, and there was a growing necessity for such interference on social and political grounds. It was a fact that the tenant farmers in many parts of England had been subjected to a tyranny—["Oh, oh!"]—he meant an economical and social tyranny—which deprived them of the character of free men and free agents, which led to discontent, and which would ultimately lead to much stronger measures than these now before the House. He asked hon. Gentlemen, therefore, to consider whether it would not be advisable to take the "stitch in time," which might "save nine," and whether it was not very likely that a small concession such as that which he suggested might content the farmers for a long time to come, and thus stop

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agitation, and effect that which the Bill of the Government certainly would not do.

MR. M'CARTHY DOWNING seconded the Amendment.

Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "the relations between landlord and tenant will not be put on a satisfactory footing by any measure which does not make it obligatory on landlords to give sufficient security to tenants either in the shape of a right to compensation for capital sunk in the soil, to be paid in the event of a determination of the tenancy, or by lease of sufficient duration,"—(*Sir George Campbell*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. HENLEY said, he wished to say a few words on this question. In Mr. Pusey's Committee, so far from a lease being considered an equivalent for tenant right, the strongest got-up evidence—that which was undoubtedly prepared and got up by large associations of persons—was to the effect that tenant right was more needed under a lease than where there was no lease. Therefore, in his opinion, the Amendment which had been moved was no answer at all to the Bill of the Government. Considering the way in which the public mind had been agitated on the subject during the last few years, he felt thankful to the Government for having, under all the difficulties of the case, brought in the present Bill. Anyone who reflected on the great variety of circumstances with which they had to deal—circumstances varying in every county and in every parish—must recognize that any general measure which was universally compulsory must work the greatest injustice to the largest number. It was impossible to frame a general Bill which would give satisfaction to all classes. The Government proposed a measure which sketched out and laid down all the great principles of tenant right that had been contended for, and nothing could be plainer or simpler than the means by which the various matters in question might be settled as easily and inexpensively as possible. To those persons who did not want a Bill the option was given to come under it or not, as they pleased. He did not see why landlords and tenants should not be allowed—as they were most competent to

do—to settle their own arrangements without State interference; and he believed that if the whole of England were polled, 80 out of every 100 persons would be in favour of that view. But whilst the Bill allowed free contract, he feared that, as it was drawn, it would drive persons against their will to make fresh contracts. That, he thought, was unnecessary and unfair, and he hoped the Government would consider whether a short clause and a Schedule might not be introduced in Committee, by means of which parties who wished to keep out of the operation of the Act might do so without going to a lawyer or having stamp duty to pay. He was not one of those who hoped that any measure could be framed on this subject which would give satisfaction to everybody; but he believed the present Bill was calculated to give reasonable satisfaction and to bring to an end an agitation which had for some time threatened to lead to anything but peace.

SIR THOMAS ACLAND, who had given Notice of the following Amendment:—

"That it is desirable to consider, without further delay, the proposals now before the House for amending the Law relating to capital invested in Agriculture, with a view to pass, during the present Session, a measure which may be accepted, without reserve, as a settlement satisfactory to the classes interested in the profitable cultivation and permanent improvement of land."

said, that when he put on the Paper this Amendment upon the Motion of the right hon. Member (Mr. Knatchbull-Hugessen), it was not with any idea that in the face of such a powerful majority as that by which the Government was supported, that Amendment would be agreed to. He wished simply to put upon record his view of the main question at issue. It had been said that this was the first effort to do justice to the tenant farmer. Had the right hon. Gentleman forgotten the Irish Land Bill? He hoped they would hear no more of that kind of talk. He would remind the House that the Protectionists and the so-called farmers' friends had stood in the way of Mr. Pusey's Bill being carried, although the right hon. Gentleman had in 1849 given the most cordial support to its principle, which was that tenants should have the right to demand compensation for unexhausted improvements. They had been told that the present Bill

*Sir George Campbell*

came from the House of Lords, where it passed without a division; but it had been greatly altered in its passage through that House, and he ventured to predict that in the House of Commons it would be subjected to a more searching examination. The land agents and stewards were gradually teaching the landlords that they must not be unreasonable with their tenants, and the old hereditary tenants that they must move with the world; and he should be very much surprised if those gentlemen had been consulted by the Government on the subject. They were men well acquainted with every county in England, and who held a very important position between the landlord and the tenant. He was convinced that if any attempt had been made to obtain information from them the present Bill would never have been introduced. It certainly was drafted with consummate skill; but he doubted very much if the draftsman knew anything about land. The Members of the Government were all connected with land, and he was astonished at the manner in which the measure had been put before the House of Lords. It had at first been received with suspicion and distrust, and in "a nagging spirit," and as being utterly repulsive to the body of the tenantry, who looked upon it with utter scorn, but that feeling had now given way to one of indifference. The defence set up by the promoters of the measure was not that it was a good, but that it was not a bad Bill; whereas the contention of those who opposed it was that, whether good or bad, it would drive landlords into making fresh agreements with their tenants. The Bill professed to be founded on two principles—that of giving security to capital and freedom to somebody. Now, the security proposed to be given was not secure. It was entirely dependent on the will of one man. The freedom was all on one side, and that freedom, even of the landlord, was hampered by an artificial system through which the Prime Minister did not appear to see. To attempt to lay down rules in relation to the whole of this island upon principles of classification would be most objectionable. With respect to the necessity for the further investment of capital in the soil, that he believed was thrown in as a sort of rhetorical justification of the Bill. The necessity for

such investment had been very much overstated. It appeared from high authority that from the time of the repeal of the Corn Laws down to the year 1872 over £10,000,000 had been invested in the land by landowners, and that since that time over £750,000 had been similarly invested under the powers provided by the present law. It had been stated by the right hon. Gentleman at the head of the Government that Mr. Pusey was the first advocate of tenant right. [Mr. DISRAELI: In the House of Commons.] Well, he believed that Lord Portman in the year 1843 introduced Bills in the House of Lords on the subject; but being opposed by country gentlemen and hereditary Peers, he had to abandon his attempt to do justice to the tenant-farmers of the country. The question was then taken up by Mr. Pusey, who advocated this principle—that no outlay or improvement by the tenant should be chargeable upon the estate without notice to the owner and his assent obtained, except cake and manuring; and his next principle was this—that, as far as possible, the amount of compensation should be defined beforehand. These were principles which he hoped Her Majesty's Government and the House would bear in mind in the consideration of this Bill, so that everything might not be left to depend upon the conflicting decisions of valuers, and that there might be no necessity for the landlord going to law with his tenants or resorting to arbitration to settle questions which ought to be settled amicably in the first instance. It should be remembered, too, that the farmer now needed time. He was allowed six months after sowing his seed; but, that he might be able to reap as well as sow, he should have, in the first instance, 18 months to get his land into condition. There were now men in this country who were speculating in land, and who wished to drive the tenants off their land in order that they might build upon it. That ought not to be encouraged. What farmers required was a certainty that they would be entitled by law to realize the capital which they had sunk in the ground. They were now between two fires—the upward tendency of wages (the possible development of agricultural unions, of which he desired to say nothing), and the increase of rent. These things made them all the more anxious that legislation should



secure to them the fruit of their industry and a due return for the investment of their capital. The farmers were rather ready to follow the leading members of their body, and some of them had got the idea that when a farmer took land by contract, carried out his agreement, and made his profit, he was then entitled to turn round and say—"I have added to the value of your property, and that increased value is mine." He did not believe that the farmers of England, as a general rule, held this view or wished to see it carried out, and there should be no endeavour to transfer from the landlord to the tenant the ordinary interest in the improvement of the soil. Were the Government prepared to transfer the management from the owner to the occupier? If not, do not let them pretend to do it. Let them say plainly that the improvement of the land rested with the owner, or else prove the owners to be incapable. It was a delusion to pass this Bill in the belief that the farmers could be induced to invest their money in the permanent improvement of the soil. A farmer had sons to put in business, and daughters to marry, or he preferred to make investments of his own selection, and he wanted to get a higher profit upon his savings. Mr. Pusey was the first to speak of tenant right, but the state of affairs had changed since his time. There were more needy landlords in his day. A great deal of land had since been sold to railway companies, and had otherwise changed hands, and as landlords as a class had now more capital than they had then the ground for a modified tenant right no longer existed. He might be thought to be Communistic in his views; but if the Government thought that the landlords of England were in the destitute condition that had been represented and unable to manage their own property, let them appoint a Royal Commission to examine the matter and consider whether the Irish Land Bill was not necessary on this side of the water. A good deal of alarm had been expressed as to the exorbitant charges to be brought upon the landlords. The Government might advantageously consult the reports of the surveyors' meetings on this subject. As an example of the average allowance for cake and artificial manures they gave the following proportionate figures:—Extent of acres, 5,155;

*Sir Thomas Acland*

cake, 1,500; manure, 1,400; land, labour, or fixtures, 7,250; total about 10,000. The average charge for cake was 5s. 10½d.; manure 5s. 5d.; land, labour, improvements, &c., £1 8s. 1d.; total, £1 19s. 4d., or less than £2 per acre. The average rent being £1 10s. 4d. If the Government would pass a Bill giving security to the farmers for those ordinary charges that passed between landlord and tenant in Lincolnshire, they would do a great deal of service, and remove much of the alarm that at present existed. If the truth were known, the Bill was a few weeks ago detested by hon. Members on the Ministerial benches. Since the letting value had been taken out of it, it was acquiesced in by hon. Members opposite, who now believed that the Government were about to pass a very useful measure. The practical course would be to legislate frankly about cultivation, to alter the present presumption of the law, but require obedience to its spirit, and to allow an equivalent agreement, but to legislate distinctly, firmly, and honestly. He wished the Government would explain in what position owners would be placed who had yearly agreements with full tenant-right for cultivation—a special contract for improvement and perfect freedom of cropping. It was placing landlords in a painful position when they were obliged to say to their tenants—"We must call upon you to contract yourselves out of the Bill or else we must give you notice." It was a very serious matter between landlord and tenant when these contracts became a piece of waste paper. He did not like to indulge in predictions; but the farmers were beginning to find out that this Bill tended towards re-valuation. He was told by many landlords that they intended to contract themselves out of the Bill. The whole of the House of Lords intended to do so, and a large landowner said to him—"I have no course to pursue, if this Bill passes, except to re-value all my estates, and I shall be obliged to do so." It would be a result much to be deprecated if the Bill caused a disturbance of good understanding between landlord and tenant, and if it led to harsh treatment and disrespect of the law. What the Government meant to give let them give frankly and unservedly, and let them put landlords and tenants in a position not only to



accept the Bill, but to contract themselves into rather than out of it. Above all, let the Government leave both landlords and tenants the greatest freedom of contract as to the mode of carrying out the law. If the Bill were amended in the direction he had indicated, it would then become a beneficial measure.

MR. HUNT said, he thought the opposition to the Bill had taken a very curious course. When he first looked at the Notice Paper for the second reading, he found that a distinguished Member on the front Opposition bench (Mr. Knatchbull - Huggessen) intended to move—

“That permissive legislation upon the subject of Agricultural Holdings was calculated to unsettle the existing relations between landlord and tenant, without securing to either an equivalent advantage.”

The right hon. Gentleman had been kind enough to inform the House that he had framed the Amendment so as to secure the largest possible amount of support; that his object was to knock down the wall without caring whether anything was set up in its place or not. Indeed, the candour of the right hon. Gentleman was not confined to that statement, for he said he had framed the Amendment without consultation with any Party or section of a Party in the House; and he was, he must confess, surprised to hear a Member of so much experience make such a declaration with respect to an Amendment so important as that which he had announced it to be his intention to move. Looking at the result, the experiment was one which, in his opinion, the right hon. Gentleman was not likely to repeat. This Bill being confined to England, no other English Member had put down an Amendment in opposition to it, and the right hon. Gentleman had found that he must retire from the field. An Amendment had, however, been proposed in opposition to the Bill; and it was moved by an hon. Gentleman who had recently entered the House from the North of Scotland, and seconded by another who represented an Irish constituency. They might, therefore, fairly assume that the Bill had met with the general approval of the House, or, at any rate, of the English Members. [SIR GEORGE CAMPBELL: I did not move the rejection of the Bill.] When the hon. Gentleman had greater experience in the House he

would know that if such an Amendment as his were carried the result would be that the Bill would not be read a second time. The right hon. Gentleman the Member for Sandwich used some very strong language against the Bill, but not so strong as the hon. Baronet the Member for North Devon (Sir Thomas Acland), who said the measure was received with scorn. Where did the scorn come from? The hon. Baronet certainly was scornful; but not the farmers of England. Then it was said that this Bill had been brought in not to assist but to delude the farmers; and surely to charge a Government with deliberately introducing a measure to delude its supporters was to make use of language that was scarcely within proper bounds. The hon. Baronet was, he might add, no doubt, an acute man; but the farmers of England were quite as acute and shrewd as he was, and in at least one part of England they had lately afforded a test of their feeling with regard to this Bill. The hon. Member who had recently been returned to that House for West Suffolk was returned upon the very principle upon which this Bill was founded, and the candidate who opposed him expressly challenged the opinion of the constituency upon the question whether legislation on this subject should be permissive or compulsory. His hon. Friend was returned by a majority of 1,700 odd over his opponent. He knew something of that constituency in early life. It was one in which the tenant farmers exercised a preponderating influence. When the hon. Baronet talked of their voting for their landlords he seemed to forget the Ballot Act which had been passed under the auspices of the late Government. Now, on the question of compulsory and permissive legislation there would, of course, be great difference of opinion; but he would remind the House that in a Bill, which had been brought in some time ago by Mr. Howard, though it contained a compulsory clause, still the compulsion was not absolute, because the landlord might contract himself out of its provisions by giving a lease to the tenant; and when the right hon. Gentleman opposite talked of the present measure as not being worth the paper on which it was written, he would suggest that it was somewhat absurd to suppose that the landlords, if it was passed, would at once rush to their soli-



subject of freedom of contract? The 12th clause of that Act declared that persons whose holdings were rated at an annual value of not less than £50 should not be entitled to make any claim for compensation under any provision of the Act in cases where the tenant had contracted in writing with his landlord that he would not make any such claim. So even a poor Irish farmer, whose valuation was £50, was declared by the framers of that Act to be sufficiently independent to make a bargain with his landlord. And yet the House was now told that the farmers of England, whose rents or valuations, he believed, were seldom so low as £50, were so dependent, so servile, that they were not to be trusted to contract themselves out of the provisions of this Bill. He really could not understand how anybody could cast such a slur upon the tenant farmers of this country. He believed this Bill would fairly and fully meet the defects now existing in our law, and that it would be acceptable to the tenant farmers of this country, and be received generally by the landlords. He also believed that it would be a means of attracting more capital to the soil, and of increasing the produce of the land.

LORD GEORGE CAVENDISH said, this question had hitherto been discussed altogether in the interests of the great landowners and the large tenant farmers. In his opinion, those two classes were quite capable of taking care of themselves. He very much doubted whether any legislation at all was necessary. He knew well the times were marching, and that we must march with them; but he thought it was questionable whether it was altogether for the interest of this country that this Bill should pass. He believed the tendency of it would be to throw the ownership and the occupation of land into fewer hands, and that, he thought, would be a great evil. There were many small resident landowners who in their districts well discharged their duties, and acted on the old principle of "Live and let live." He feared these men, finding themselves deprived of the benefits of their estates, would say that the Bill was one-sided in its operation; and there was a danger lest they might be led to say—"The best thing we can do will be to throw all these holdings into one or two large occupations;" or "We

had better sell our estates to some millionaire and double our income." It was a phase of things which had occurred to M. de Tocqueville, who, in referring to the smaller class of proprietors in France, finding themselves deprived of their political importance in the country, had withdrawn themselves to the towns, spoke of the loss which France had suffered in connection with her rural population. It seemed to him that the small class of occupiers were a very valuable class of men, men of most laborious habits, who lived very hardily, and who, although not possessing much capital, made up for that by thrift and toil. He would defer what further observations he had to make till a future occasion.

MR. NEWDEGATE: As one of the few Members of the House who served on the Select Committee of 1843, I wish to make an observation or two on this Bill; and perhaps I may be permitted, in the first place, to correct the historical references of the right hon. Gentleman the Prime Minister by stating that it was I who moved the appointment of that Committee. Now, I consider that this Bill proceeds upon the lines which were laid down in the Report of that Committee. The origin of that Committee was, that the late Mr. Pusey had brought in successive Bills in this House, but was unable to obtain the assent of the House to any of them; and the aim of all of them was to ensure compensation for the unexhausted improvements of the tenant farmer. The tendency of the feeling in this House was that no interference was necessary; and that feeling has been justified by the result, that there has been but one change of the law since the appearance of that Committee's Report, and that that change of the law was in the same sense as the recommendations of this Bill. Before the appearance of that Report the presumption of the law was against the right of the agricultural tenant to any fixtures that he might erect during his tenancy; whereas the law was in favour of the right to possession of any fixtures that might be erected by a commercial or manufacturing tenant upon commercial or manufacturing premises. In consequence of the Report of that Committee, the Emblements Act was passed, whereby the right of the agricultural tenant to the possession of the fixtures erected on

their value than in England under a system of leases. The system of leases was not popular in this country. It was not popular among landlords, and he did not think it was popular among tenants. A few years ago an Act was passed enabling limited owners to grant leases. That Act had been very little used; at the same time, it was the only means by which, so far as he was aware, a limited owner could give security to a tenant for the outlay he made on land. The Act had been pretty much a dead letter, and it seemed desirable to have some machinery to give security to the tenant without the necessity of granting leases. He knew that leases were considered the *summum bonum* of agricultural tenure; but it was difficult to persuade either farmers or owners to adopt the system. In his own county leases were exceedingly rare, the land being held from year to year. But the improvements which had been made in the system of husbandry had necessitated fresh legislation. There was a time when the chemistry of the soil was little understood; when the mixture of the different strata on the same farm was little resorted to; when any manures beyond those made in the farm-yard were little used, and when the actual cash outlay of a tenant, except for wages, was almost nothing. The improved knowledge of agricultural chemistry, the improved style of farming, had introduced a state of things in which it was necessary to make a much larger outlay on the land, both in bringing up sub-soil on to the surface, and using artificial manures, and the farmer naturally asked how he should be expected to make that outlay if he saw no return for his money. Something had been said of hereditary landlords and hereditary tenants, where estates and farms had gone from father to son for generations. There mutual confidence supplied the place of law, and in such cases it was very rare indeed that a tenant had injustice done to him. But in other cases, there was no security to the tenant that the land would be continued in the same family; and in others, as he had pointed out, the means of limited owners did not enable them, though willing, to give security. In such cases this Bill was very necessary, and would be very advantageous, and he ventured to say it would come largely into operation. They had been told

that such a Bill would do nothing unless it was compulsory; but all the argument on the other side was to the effect that a compulsory Bill would be wholly inappropriate. The hon. Baronet had ridiculed the notion of laying down Schedules or classes in the Bill for all the different subjects for which compensation should be paid, and yet he seemed to think there would be danger of parties contracting themselves out of the Bill. There were such varieties in different localities and in different circumstances of the same estate that it would be quite ridiculous to make a Procrustean rule for every case. The hon. Baronet seemed to think the Government had brought in this Bill without consulting any eminent authority on the subject of agriculture. Even among the ranks of the Government there were no mean authorities on that subject, and it was not likely that they would propose such a Bill without taking the counsel and advice of those authorities. The Bill, with certain modifications, had passed the other House of Parliament. [*Ironical cheers.*] The noble Lord (the Marquess of Hartington) seemed amazed at that observation; but he (Mr. Hunt) should have thought that the heir to a Peerage would not have been inclined to sneer at an Assembly in which he himself might yet have the honour of sitting. That Assembly certainly contained as much agricultural knowledge as could be found elsewhere, and it had passed this measure without a division. The right hon. Member for Sandwich said the Government professed freedom of contract, but freedom of contract only for the landlord. He compared the relations between the tenant farmers and the landlords of this country and the relations between labourers and their employers, and he referred to the Truck Act as an instance in which freedom of contract was infringed. He (Mr. Hunt) thought it was an insult to the tenant farmers of this country to say that they were so dependent, so ignorant, so wanting in manliness that they could not make a bargain for themselves. He believed the majority of the tenant farmers would repudiate such doctrines. He did not wish to allude to so bad a precedent as the Irish Land Act, the principle of which, he hoped, would never be extended to the other part of the kingdom. But what said the Irish Land Act on the



specific contract; in fact, to contract himself out of the operation of this Act; but, in doing so, securing to his tenant adequate compensation for his outlay of capital in the improvement of the farm. I do not wish to detain the House; but these are the products of considerable reflection on the subject on my part. I should regret the result if it turned out to be such as the noble Lord opposite (Lord George Cavendish) seems to apprehend; that is, if the result of passing this Bill should be to throw the smaller properties into the market; but I own I cannot see the probability of such a result. Rather, I believe that, by inducing the owners of such properties to contract with their tenants, and giving the security to the tenant which this Bill affords, you will facilitate the retention of their properties by these small owners. It is not on large properties, generally speaking, that the hardships resulting from the eviction of tenants occur, and that the tenants will derive advantages from the measure. It is rather, in the case of small properties, purchased it may be simply as investments, and with respect to which the landlord has no sentiment but to secure the greatest possible money return. This Bill is, I think, rather ambitious in its scope and details in some respects; but I believe that Her Majesty's Government have done well in proposing it, and that the period has arrived when the system of compensation is sufficiently understood to justify their originating a measure in favour of the claim to compensation by the tenant farmer.

MR. D. DAVIES said, he was not going to oppose the Bill, although it was not exactly what he should wish to see. At the same time, the Bill came from that side of the House in which the tenant farmers had confidence—from those who were professedly the representatives of the tenant farmers—and the House ought not to be too severe on the measure. He had some experience of farmers, and had a little land of his own at the present time, for which he paid very dear. There were three classes of landlords. First, there was a large class who did not require any Act to improve their relations with their tenants; secondly, there was a class having only a limited interest in their property, and he thought this Act would do good to them. There was another class

—a bad class—and he was afraid this Bill would do no good to them. It was with regard to this class that there was a feeling on his side of the House that the Act ought to have gone a little further. If landowners generally adopted the Bill there would be no necessity to make it compulsory; but probably at the next Election those who sat on his side of the House would promise the farmers to amend the Act if they were placed in power.

SIR WALTER BARTELOT said, he thought the hon. Gentleman who had just sat down, having bought a little land, and being so well satisfied with the Bill, would be very much inclined to buy a little more, and then he would not despair of seeing the hon. Gentleman come over to that (the Ministerial) side of the House and stand up strongly for the rights of property. Having listened most attentively to nearly the whole of this debate, he was bound to say that he had not heard any sufficient reason given for dealing with this question. He frankly admitted that there was a certain compensation which out-going tenants ought to receive; but it should apply only to what would be of real benefit to the incoming tenant. Now the incoming tenant had hardly been mentioned during the whole course of this debate, and he of all others was the person who ought to have the most serious consideration of the House. They had heard there had been certain talk about the Bill. Every one knew where that talk came from. They knew that through the length and breadth of the land Agricultural Chambers had risen up and demanded that there should be some legislation. But he was not absolutely clear, and no one had pointed out, that Agricultural Chambers represented the views and wishes of the tenant farmers of this country. He would like to know where the gross injustice had been, where the evictions had occurred which led to the introduction of this Bill. He would ask his hon. Friends who represented especially the agricultural interest—he would ask those who were tenant farmers themselves—whether they would get up and say that evictions were rife in any portion of this country? He heard some one say "Of course, not." That he believed to be the true answer. He was glad to see the hon. Member for Hackney (Mr. Fawcett) in his place, because he had been talking a little in

Agricultural Chambers, and had been laying down the law. But what did he say? He said he would have nothing to do with the matter, unless in the interest of the general public and for the improvement and increase of produce. It had been said by a high authority that the produce of this country could be doubled. Now, he ventured to affirm there was not a practical farmer in the country who would say that, taking England through, it could be increased 20 per cent. He would go further, and say, that in a large part of the country farming was in the highest and most efficient state, and that in other parts where it was not so good 20 per cent was as much as the produce could be increased by. He could prove by statistics, if necessary, that there were certain classes of land in this country on which large sums of borrowed money had been laid out to put up agricultural buildings, where two or three farms of 100 acres each had been thrown together, and where now, taking the interest into account, the land did not pay as well as it did before when the smock-frocked farmer paid 10s. an acre for it. He would appeal to the right hon. Gentleman the Member for Birmingham (Mr. John Bright) who was all in favour of small tenants, and would ask whether it was his wish or the wish of the House that small farmers should not exist? It should not be forgotten that the heavier compensation you gave to the outgoing tenant the worse you made it for the incoming. The great object was that the incoming tenant should have means to devote to the cultivation of the land; but if it was taken out of his pocket before he entered on the land, how could he have it except by borrowing? And that brought him to another argument—that the farmers would not invest their money in the soil because they had not proper security. Now, he would appeal to his hon. Friend the Member for South Leicestershire (Mr. Pell) and the hon. Member for South Norfolk (Mr. Clare Read) to say if they knew one who was absolutely and solely a tenant who had not invested all his capital in the cultivation of the land. [MR. PELL: That was exactly my argument.] The difficulty in the tenant's case was, not that he did not invest his money in the soil, but that he had not got sufficient capital to invest in it. With regard to the Bill itself, looking at it as he did

when it appeared first in "another place," he must say he had never seen a Bill so badly drawn. It was a Bill which seemed never to have had any regard to the condition of England at all. The First Lord of the Admiralty, who had made an excellent speech from his point of view on the subject, had said that the Bill did not intend to do away with yearly agreements. When he read it first he said that the Bill was drawn up by a Scotchman, or one who knew nothing of the manners and customs of England. Perhaps there was a little touch of the Irishman about it also. The whole tenour of the Bill then, was to exclude from its provisions all those who took leases, and bring under its provisions all those who had yearly agreements, which amounted to certainly two-thirds, if not four-fifths of the whole. The farmers of England were perfectly satisfied with a yearly tenancy, because farms were occupied from generation to generation by the same family under old landlords. Those who bought property at a moment's notice wanted to get as much as they could from it in as short a time as possible; but after a few years they found that they must go on in the same way as others in the neighbourhood, and they fell into the custom of the county. A yearly tenant in England had his land 20 per cent less than was the case in Scotland. Therefore it followed that if the question of the letting value had been allowed to remain part of the Bill, every landlord in England would have been compelled to have a complete re-valuation of his estate. He was, therefore, glad that the proposals, as to letting value, which appeared in the Bill as originally drawn had been omitted from the measure before it was submitted to the House of Commons. His right hon. Friend the First Lord of the Admiralty had tried to grapple with the arguments of the right hon. Gentleman the Member for the University of London (Mr. Lowe) as to the application of the Bill to yearly tenants; but he had not succeeded in demolishing the force of the arguments which been adduced by the right hon. Gentleman. He did not think the Bill would absolutely drive the country into a general system of leases; but it was clear to his mind that every man who had a yearly agreement would be compelled to enter into a fresh one, if he



chose to contract himself out of the Bill. He hoped this part of the Bill would be so amended in Committee as that all landlords who had agreements with their tenants would, by that fact, be exempted from the provisions of the Bill. It was proposed in the Bill to adopt the Lincolnshire custom, but he ventured to say that all practical men would agree with him in thinking that that custom was not and could not be made applicable to the country generally. This fact seemed to have been dimly visible to the draftsman of the Bill, who had attempted to cure his error by a proposal contained in the 5th clause in the third class. This, however, was not by any means satisfactory, and he hoped the proposal would be struck out of the Bill when the Committee stage was reached. The proposals with regard to the manner in which the compensation to outgoing tenants was to be assessed, again, were not what they should be. They were by far too intricate, and ought to be so amended as that the outgoing tenant should only be compensated for such improvements as were perfectly clear and apparent to the incoming tenant, who otherwise might have to pay for that which never could be of benefit to him. What he wanted was, that the Bill should not be treated in any way as a matter of Party, but as a measure which was intended to be of real practical value to the country; that it should be just to the outgoing tenant, fair and reasonable to the incoming tenant; and, above all, that it should respect—as the measure of a Conservative Government ought to respect—the rights of private property.

THE MARQUESS OF HARTINGTON: Before I make any general observations on the Bill, I wish to say one or two words upon the alterations in the measure which were announced by the right hon. Gentleman the Prime Minister. He has informed us that considerable alterations have been made as respects the clauses in which the principle of the increased letting value is introduced. In "another place," when the Bill was introduced, it was announced that the principle to which I am referring was not only the definition of an improvement, but also was the principle upon which the compensation for such an improvement should be assessed. Although

two Members of the Government have spoken, I am still in ignorance whether the increase of letting value has altogether disappeared from the Bill, or whether it has only disappeared from the 7th clause. It is of great importance to the House to know whether the principle has disappeared from the 5th as well as the 7th clause; and if any right hon. Gentleman can inform me on that point, I shall be glad to be informed before I make any further observations upon it. It does not appear that any Gentleman is able to inform me whether the letting value is in the 5th clause or not.

MR. DISRAELI: It is taken out of the 5th clause and out of the 7th, and wherever the letting value is the basis of compensation. The right hon. Gentleman the Member for Sandwich (Mr. Knatchbull-Hugessen) when addressing the House also asked me the question. It is rather an inconvenient process to be listening to a speech and also to have questions addressed to you; and, therefore, I did not, perhaps, reply with sufficient accuracy. The letting value is omitted from the 5th and 7th clauses, and wherever it is made the basis of compensation; but the phrase "letting value" is in one clause introduced as a check.

THE MARQUESS OF HARTINGTON: The right hon. Gentleman informs us now that it is also omitted in the 5th clause. But the noble Duke (the Duke of Richmond) informed the House of Lords that the increase of letting value was the "keystone of the Bill."

MR. SPEAKER: I must remind the noble Lord that the House of Lords is not a proper subject of debate in this House.

THE MARQUESS OF HARTINGTON: Sir, I must apologize if I have inadvertently transgressed the rules of debate. The principle of the increase of letting value was declared by a high authority to be the leading principle of this Bill, which we are asked to read a second time; and we are informed that it is to be omitted when we go into Committee. I should like to ask the attention of the House to the effect of this alteration. As I have said, the addition to the letting value was made the definition of an improvement.

"Where, after the commencement of this Act, a tenant executes on his holding an im-

*Sir Walter Barttelot.*



provement adding to the letting value thereof, he shall be entitled, subject to the provisions of this Act, to obtain, on the determination of the tenancy, compensation in respect of the improvement."

In the 7th clause this addition is made the basis upon which compensation was to be given. I am allowed to refer to the "Votes and Proceedings of the House of Lords," and I presume I am therefore allowed to refer to the Bill as introduced into that House, and as it is now laid before us. In the course of its passage through the other House an addition was made to the 7th clause by which the compensation which the tenant might in any case obtain was limited to the amount he expended on the improvement, and, at the same time, the letting value was made the basis of compensation. Now, as we are informed, the cost has been taken as the basis of compensation, but letting value is to be retained in some shape in the Bill, and I presume it will be retained as a limitation of the compensation which, in certain cases, the tenant may obtain. The effect of the alteration announced to-night appears to be this—that the tenant is in no case to have what he had a reasonable right to expect from the Bill as it came to us from the House of Lords; that is to say, within certain limits he would be entitled to a share in the increased letting value of the holding which had been effected partly by his own exertions. ["No, no!"] That is what the tenant was entitled to expect from the Bill as it came from the House of Lords; it is not what he gets as the Bill is to come before us. Under the Bill as it stands now he will get nothing at all unless the letting value is increased; the tenant is to have all the risk and none of the advantages of the speculation. I say none of the advantages, because you cannot call it an advantage to be repaid a portion of the sum you have expended in speculation. If the speculation fails, under the Bill as now amended by the Government the tenant is to lose all his money; if it succeeds, he is to obtain only such portion as the valuer may think expedient. I want further to call attention to the manner in which these alterations have been made. We are told that the Bill has been passed unanimously by the Lords. The First Lord of the Admiralty referred, in terms of considerable exulta-

tion, to the great agricultural knowledge possessed by that body, and he seemed surprised when I gave him an ironical cheer. I entirely share his respect for the agricultural knowledge possessed by the House of Lords; but I want to point out that this Bill is not the Bill passed by the House of Lords. It is a Bill of which I have an impression—I am not permitted to say more—that the key-stone is not precisely that which was presented to the House of Lords; therefore it appears to me to be somewhat bold to present this Bill to the House of Commons as the product of the great agricultural knowledge and experience of the House of Lords. It has been passed unanimously in the shape in which it appears before us to-night; but not in the shape in which we are asked to pass it. What has happened since the Bill came to us from the other House? It has been discussed, to a considerable extent, in the country; but the discussions have not turned upon the points in which alterations have been made. The discussions in the country have turned upon the subject of the permissive or the compulsory character of the Bill. As far as my knowledge goes, very little has been said in the country about these clauses relative to the principle of the letting value, which we are informed are to be altered. What has happened to alter the decision of the Government? We have heard something—and I hope I am not out of Order in referring to it—of meetings which have been held, of more than one meeting which has been held within the walls of a celebrated building in Pall Mall; we have heard rumours of a preliminary meeting which was held in Pall Mall, at which considerable objection was taken to the principle of the letting value as embodied in this Bill. What passed there I am, of course, unable to say; but, considering that the Bill was passed unanimously by the House of Lords, and that there was no open discussion of the alterations proposed in the country, I do not know that I am taking an erroneous view when I attribute those alterations to one or other of the meetings which have been held in Pall Mall. But this is not the first time the course of the Government has been altered in reference to the measures which they have introduced. There is another Bill before Parliament, the principle of which

has been affirmed not by the House of Lords only, but by both Houses of Parliament, and not only by one Parliament, but by two, and again in the present Session in the House of Lords. Somehow or other, nevertheless, that Bill was withdrawn after it passed a second reading—I am not sure that it had not passed through Committee—not in deference to anything which occurred in either House, but in deference to some opposition coming no one knows from where and no one knows from whom. Now, I think it is time that Parliament made a protest against such meetings as those to which I am alluding. The precedent immediately under our notice, though objectionable, is not so much so as that to which I have just referred; for that was a precedent virtually repealing a statute passed by Parliament without affording Parliament an opportunity of expressing its opinion on the subject. The alterations now proposed by the Government in this measure will, no doubt, come before Parliament for discussion; but I cannot help thinking it is a course extremely inconsistent and altogether unprecedented that Bills should be altered between leaving one House and appearing in the other, not in deference to any public discussion or any public expression of feeling, but in obedience to wishes emanating from some secret convention. I feel inclined to ask in whom the legislative power of the country is vested at the present moment? It is not vested in either House of Parliament, it is not vested in the Cabinet; but rather, it would appear, in some body which has more confidence in its secret influence in the Cabinet than that which it possesses in Parliament after free and open debate. I wish now to make one or two observations on the Bill as it came down from the House of Lords, especially as I do not concur in some of the opinions which have been expressed with regard to it on either side of the House. In my opinion, the thanks of Parliament and the country are due to the Government for having undertaken to deal with this subject. I feel, however, by no means certain that the thanks of the tenant farmers are particularly due to them. It has been pointed out that the Bill must have the effect of leading to a revision of valuation and to an increase of rent. Indeed, I believe that must be the tendency of

any Bill, on whatever principle it may be founded, which professes to re-adjust the relations between landlord and tenant. I am of opinion that under the present system there are not many cases of actual hardship. I do not think there are many cases in which the tenant loses the capital he may have invested in improvements or in which he is debarred from investing his capital in the land. I do, however, believe that there is a vast number of cases where tenants who are not possessed of great energy or much capital to lay out on the soil are for a great number of years in the occupation of their farms at a rent very much below their value. The natural tendency then of any measure, good or otherwise, will be that the landlord in each case will say—"It may be perfectly true that you have obtained full security for the capital you have invested in improvements; but if we are to start on a new basis it is also perfectly fair that I should inquire whether my land is let at its full, or nearly full, value, and we must therefore begin with a re-valuation." Then tenant farmers then, in my opinion, will have received a boon, if this Bill passes, which they very little expected when they returned their friends to Parliament. But I am, on the whole, perfectly willing to admit that although the measure may not be beneficial to the great majority of the tenant farmers, it ought to be beneficial to the public at large, who are not interested so much in having the land let at the lowest price as that it should produce all the food for the support of the people which it is capable of producing, which is to be effected by the exertion of greater energy, and by the application of more capital to the cultivation of the soil. But while I admit that the object of the Government is a beneficial one, and that they deserve thanks for dealing with the subject, I think there is something wrong in their mode of proceeding. It appears to me that almost every landlord who has indicated any opinion on the point has shown it to be his intention not to avail himself of the provisions of this Bill, but rather of those which will enable him to contract himself out of it. That fact was apparent through the whole debate on this Bill in the House of Lords. I trust, in saying this, that I shall not infringe the rules of debate;

*The Marquess of Hartington*



but from the very moment the announcement was made that freedom of contract was not to be interfered with, a sigh of relief escaped from certain persons sitting in "another place." Until the very last moment of the discussion in Committee that feeling on the part of landlords was perfectly apparent in the discussions of the other House. And, Sir, to avoid that dangerous ground, I may say that I have not seen a landlord who has informed me that it is his intention to abide by the provisions of this Bill. I may state from my own personal knowledge that many landlords think, and many land agents have advised their employers, that it would not be safe and expedient for them to remain under the provisions of this measure. And what makes me believe that there must be something wrong in the manner in which the Government undertook to execute their purpose is that it is not bad landlords who have expressed this intention of contracting themselves out of the Bill, but some of the very best landlords in England have done so. I do not know that it has been referred to to-night; but I should like to read a very short passage from a speech, not made in the House of Lords, by a noble Lord who is, perhaps, an authority inferior to none on this question. Lord Leicester, speaking at the dinner of a Norfolk agricultural society, said—

"We are indebted to Her Majesty's Government for the principles contained in this Bill." (So I say.) "And I trust that the majority of landlords will adopt those principles. But if they are wise, as soon as the Bill is passed they will contract themselves out of it, selecting those clauses and making those arrangements which are best adapted to meet their wants."

Well, I do not in the least wish to infer that Lord Leicester or any other landlords who have expressed the intention of contracting themselves out of this Bill have any intention whatever of withholding from their tenants anything which this Bill proposes to give them. The reason why they intend to contract themselves out of it is that they think the particular arrangements prescribed by the Bill are not the arrangements—perhaps they are much less liberal than the arrangements—which they deem best adapted to the management of their estates, and they very much prefer the

agreements or leases by which they have hitherto conducted the relations between themselves and their tenants to the provisions of this measure. But it seems to me all the same that it cannot be a well-constructed Bill out of which the best landlords express at the outset their intention to contract themselves. A Bill, if it is to be a good one, ought to be a Bill to which every landlord will be able to consent; to which he might be able, indeed, to make alterations and additions, but out of which he ought not to be under the painful necessity of contracting himself before making arrangements he thinks best in dealing with his tenants. Look at what the effect of such an example will be upon landlords not so liberal as Lord Leicester. If Lord Leicester and other landlords as good as he deem it necessary to contract themselves out of the operation of the Bill for the purpose, perhaps, of dealing far more liberally with their tenants, does not the House see that that example will be taken advantage of by landlords for contracting themselves out of the Bill probably with totally different intentions? Well, what are the reasons which can induce landlords almost with one consent to express the intention of contracting themselves out of the Bill? They appear to me to be these:—The Bill defines a great deal too much; it goes into far too much detail, and attempts to lay down by far too hard-and-fast a line the mode of dealing in cases the circumstances of which differ in almost every conceivable respect. At the same time that it does that, the Bill seems to me to commit a very great error and leads to a great amount of confusion by confounding together under the one expression of improvements two things which in their nature are essentially different. Improvements, as defined by the Bill, include both those of permanent character, which are generally known in this country as landlord's improvements, and also those of a purely temporary character which are usually and, indeed, must be made by the tenant, and which really cannot be described as improvements at all. They may rather be described as expenditure incurred, or as ordinary acts of husbandry which are essential to the proper cultivation of the land. Although the Bill thus divides and classifies improvements, and lays down the compensation



has been affirmed not by the House of Lords only, but by both Houses of Parliament, and not only by one Parliament, but by two, and again in the present Session in the House of Lords. Somehow or other, nevertheless, that Bill was withdrawn after it passed a second reading—I am not sure that it had not passed through Committee—not in deference to anything which occurred in either House, but in deference to some opposition coming no one knows from where and no one knows from whom. Now, I think it is time that Parliament made a protest against such meetings as those to which I am alluding. The precedent immediately under our notice, though objectionable, is not so much so as that to which I have just referred; for that was a precedent virtually repealing a statute passed by Parliament without affording Parliament an opportunity of expressing its opinion on the subject. The alterations now proposed by the Government in this measure will, no doubt, come before Parliament for discussion; but I cannot help thinking it is a course extremely inconsistent and altogether unprecedented that Bills should be altered between leaving one House and appearing in the other, not in deference to any public discussion or any public expression of feeling, but in obedience to wishes emanating from some secret convention. I feel inclined to ask in whom the legislative power of the country is vested at the present moment? It is not vested in either House of Parliament, it is not vested in the Cabinet; but rather, it would appear, in some body which has more confidence in its secret influence in the Cabinet than that which it possesses in Parliament after free and open debate. I wish now to make one or two observations on the Bill as it came down from the House of Lords, especially as I do not concur in some of the opinions which have been expressed with regard to it on either side of the House. In my opinion, the thanks of Parliament and the country are due to the Government for having undertaken to deal with this subject. I feel, however, by no means certain that the thanks of the tenant farmers are particularly due to them. It has been pointed out that the Bill must have the effect of leading to a revision of valuation and to an increase of rent. Indeed, I believe that must be the tendency of

any Bill, on whatever principle it may be founded, which professes to re-adjust the relations between landlord and tenant. I am of opinion that under the present system there are not many cases of actual hardship. I do not think there are many cases in which the tenant loses the capital he may have invested in improvements or in which he is debarred from investing his capital in the land. I do, however, believe that there is a vast number of cases where tenants who are not possessed of great energy or much capital to lay out on the soil are for a great number of years in the occupation of their farms at a rent very much below their value. The natural tendency then of any measure, good or otherwise, will be that the landlord in each case will say—"It may be perfectly true that you have obtained full security for the capital you have invested in improvements; but if we are to start on a new basis it is also perfectly fair that I should inquire whether my land is let at its full, or nearly full, value, and we must therefore begin with a re-valuation." Then tenant farmers then, in my opinion, will have received a boon, if this Bill passes, which they very little expected when they returned their friends to Parliament. But I am, on the whole, perfectly willing to admit that although the measure may not be beneficial to the great majority of the tenant farmers, it ought to be beneficial to the public at large, who are not interested so much in having the land let at the lowest price as that it should produce all the food for the support of the people which it is capable of producing, which is to be effected by the exertion of greater energy, and by the application of more capital to the cultivation of the soil. But while I admit that the object of the Government is a beneficial one, and that they deserve thanks for dealing with the subject, I think there is something wrong in their mode of proceeding. It appears to me that almost every landlord who has indicated any opinion on the point has shown it to be his intention not to avail himself of the provisions of this Bill, but rather of those which will enable him to contract himself out of it. That fact was apparent through the whole debate on this Bill in the House of Lords. I trust, in saying this, that I shall not infringe the rules of debate;



but from the very moment the announcement was made that freedom of contract was not to be interfered with, a sigh of relief escaped from certain persons sitting in "another place." Until the very last moment of the discussion in Committee that feeling on the part of landlords was perfectly apparent in the discussions of the other House. And, Sir, to avoid that dangerous ground, I may say that I have not seen a landlord who has informed me that it is his intention to abide by the provisions of this Bill. I may state from my own personal knowledge that many landlords think, and many land agents have advised their employers, that it would not be safe and expedient for them to remain under the provisions of this measure. And what makes me believe that there must be something wrong in the manner in which the Government undertook to execute their purpose is that it is not bad landlords who have expressed this intention of contracting themselves out of the Bill, but some of the very best landlords in England have done so. I do not know that it has been referred to to-night; but I should like to read a very short passage from a speech, not made in the House of Lords, by a noble Lord who is, perhaps, an authority inferior to none on this question. Lord Leicester, speaking at the dinner of a Norfolk agricultural society, said—

"We are indebted to Her Majesty's Government for the principles contained in this Bill." (So I say.) "And I trust that the majority of landlords will adopt those principles. But if they are wise, as soon as the Bill is passed they will contract themselves out of it, selecting those clauses and making those arrangements which are best adapted to meet their wants."

Well, I do not in the least wish to infer that Lord Leicester or any other landlords who have expressed the intention of contracting themselves out of this Bill have any intention whatever of withholding from their tenants anything which this Bill proposes to give them. The reason why they intend to contract themselves out of it is that they think the particular arrangements prescribed by the Bill are not the arrangements—perhaps they are much less liberal than the arrangements—which they deem best adapted to the management of their estates, and they very much prefer the

agreements or leases by which they have hitherto conducted the relations between themselves and their tenants to the provisions of this measure. But it seems to me all the same that it cannot be a well-constructed Bill out of which the best landlords express at the outset their intention to contract themselves. A Bill, if it is to be a good one, ought to be a Bill to which every landlord will be able to consent; to which he might be able, indeed, to make alterations and additions, but out of which he ought not to be under the painful necessity of contracting himself before making arrangements he thinks best in dealing with his tenants. Look at what the effect of such an example will be upon landlords not so liberal as Lord Leicester. If Lord Leicester and other landlords as good as he deem it necessary to contract themselves out of the operation of the Bill for the purpose, perhaps, of dealing far more liberally with their tenants, does not the House see that that example will be taken advantage of by landlords for contracting themselves out of the Bill probably with totally different intentions? Well, what are the reasons which can induce landlords almost with one consent to express the intention of contracting themselves out of the Bill? They appear to me to be these:—The Bill defines a great deal too much; it goes into far too much detail, and attempts to lay down by far too hard-and-fast a line the mode of dealing in cases the circumstances of which differ in almost every conceivable respect. At the same time that it does that, the Bill seems to me to commit a very great error and leads to a great amount of confusion by confounding together under the one expression of improvements two things which in their nature are essentially different. Improvements, as defined by the Bill, include both those of permanent character, which are generally known in this country as landlord's improvements, and also those of a purely temporary character which are usually and, indeed, must be made by the tenant, and which really cannot be described as improvements at all. They may rather be described as expenditure incurred, or as ordinary acts of husbandry which are essential to the proper cultivation of the land. Although the Bill thus divides and classifies improvements, and lays down the compensation



which is to be given for them, it contains no clause that I can find recognizing the distinction between landlords' improvements and tenants' improvements, which, in my opinion, is absolutely vital. I may be told that the precedent is borrowed from an Act to which I was a party—the Irish Land Act. Well, it is not necessary that I should maintain that the Irish Land Act was perfect in every respect. I should, however, like to remind hon. Gentlemen opposite that the Irish Land Act was passed for a totally different state of things to that which now exists in England. But what we were thinking of—what Parliament was thinking of—when it passed that Act was that class of improvements known as landlords' improvements, which in Ireland were to a very great extent executed by the tenant, although in England that was the exception. If I am not misinformed, some inconvenience and difficulty has arisen in the working of the Irish Land Act from the indefiniteness of the term "improvements" as used in it. I maintain that any well-considered measure on this subject ought to treat these two classes of improvements as entirely distinct. As to the first class—the class of landlords' improvements—I very much doubt whether, under any circumstances in this country, it is necessary that Parliament should, to any considerable extent, interfere. Those clauses of the Bill which enable limited owners to charge their estates with improvements of this nature I entirely and heartily approve; but where the landlord is the entire owner of the estate, I very much doubt whether it is necessary for Parliament to interfere. As I have said, these improvements are in England generally executed by the landlord; and if, under any peculiar circumstances, it should be expedient or desirable that they should be executed by the tenant, I do not think there would be any inconvenience in the tenant going to the landlord and making a special agreement with him on the subject. But this case is totally different from that of the other class of improvements which I have ventured to describe as necessary acts of husbandry. There it is practically impossible for the tenant to enter into a special agreement with his landlord. Although on the best estates agreements are entered into in the

absence of a sufficient custom, yet on estates where the same practice does not prevail it would be a great deal too much to put the tenant in a position to force this particular agreement upon the landlord. Even if it were otherwise determined, it appears to me to be quite unnecessary to go into all the intricate and complicated details which are dealt with in the Bill, and that it would be quite sufficient to lay down a simple rule of law, which I believe would coincide substantially with the practice on the best-managed estates, and certainly with every principle of equity and justice, and that is, that money expended upon acts of husbandry, necessary for the good cultivation of the farm, should, so far as the tenant has not obtained the benefit of them himself, be his property, and not the property of the landlord. In fact, all that is necessary, in my opinion, is that the present presumption of the law should be altered, and that instead of everything in the soil belonging to the landlord, as now, the presumption should be that that which is put into the soil in the course of the ordinary operations of agriculture belongs to the tenant. I do not profess that I should be able to draw up a clause which would exactly carry out my meaning; but I do not believe it would be impossible to frame a simple clause which would so alter the presumption of law as to meet the whole case with which it is necessary for the Legislature to deal. My right hon. Friend the Member for Sandwich (Mr. Knatchbull-Hugessen) spoke in somewhat contemptuous terms of the effect of merely altering the presumption of law. I do not agree with my right hon. Friend. I do not think the effect would be so small as he supposes. I believe that if the presumption of law were altered, even if it were in the power of the parties to contract themselves out of it, very soon such a practice would be entirely abandoned. It is in the power of the parties to contract themselves out of any right which the law confers upon them, but we find in practice that it is very seldom done. I would lay down, as I have said, a simple rule of law, and would leave it to the two parties to enter into such agreement as they might think expedient for the purpose of carrying into force that rule of law, and in the absence of any such agreement, I would simply



leave it to the tenant to establish his claim against the landlord in the same way as he would maintain any other legal right. If a system of reference were introduced the referee ought not to be limited and restricted, as proposed by this Bill, but should be allowed to value the improvements which the tenant has left in the soil in the best way that a man of sense and experience can do it. After what I have said there is no need for me to detain the House long on the subject of freedom of contract. It is unnecessary to interfere in the arrangements between landlords and tenants. If this Bill should pass, I believe it would be the exception rather than the rule that any tenant would contract himself out of any right which the law gave him. But if that were not the case, and if in subsequent years it were found necessary to declare that any contract made in contravention of the rule of law should not be valid, I should have no objection to an enactment to that effect. I should have very great objection to see the provisions of this Bill made compulsory or the provisions of any other Bill on this subject made compulsory; because I believe this or any other Bill if made compulsory would limit in a most injurious manner the arrangements which ought to be made between landlord and tenant. I was very glad to hear a very enlightened sentiment from my hon. Friend the Member for Mid-Lincolnshire (Mr. Chaplin) in answer to something said by my right hon. Friend the Member for Sandwich. He begged to assure the House that he was not to be deterred by the apprehension of what may happen in future from doing what he thinks right to-day. That was a most encouraging sentiment, to emanate from the other side where have been often uttered most alarming statements about the introduction of the thin end of the wedge, and about the dangerous consequences of doing something to which no great objection might be taken at present, but which might be unduly extended in the future. But I am not quite so liberally disposed as my hon. Friend. I think it very dangerous for Parliament to pass a measure containing a principle of which it would be afraid if it were made compulsory. I am glad my right hon. Friend the Member for Sandwich did not move the Amendment of which he had given Notice. I trust

the hon. Member who has moved an Amendment (Sir George Campbell), and who has had an opportunity of expressing his views upon the subject, will not think it necessary to put the House to the trouble of a division; because, as my right hon. Friend the Member for Sandwich has pointed out, this Bill contains a valuable principle—namely, that a tenant shall be entitled to compensation for unexhausted improvements; and I cannot help thinking that the opinion of the House is that no division should be taken on the second reading. At the same time, I do think it would be wise on the part of the Government—especially in the present state of the Session and the great amount of work which remains for them to do—not to press forward this Bill in the present Session. I have given credit to the Government for bringing forward this question and for the spirit in which they have done so; but I doubt whether the Government or any party really interested in this question in the country have even now thoroughly considered it in all its bearings. Sir, I think there can be no doubt that the Bill which we are asked to read a second time is different from the Bill which the other House has already passed. I very much doubt whether the discussions which have been held throughout the country do not show that there is a very great impression prevailing that the landlord and tenant would rather gain than lose by the postponement of the question; and I believe the Government will be able to introduce a far more satisfactory measure if they would allow this Bill to be withdrawn for the present Session, and allow it to receive the consideration of the country during the Recess. I have to thank the House for the attention with which it has listened to me, and I must express the hope that the hon. Gentleman will not press his Amendment to a division.

MR. DISRAELI: Sir, the noble Lord has laid down the constitutional principle to-night that if a Bill comes down to this House from the House of Lords it is not open to any party in this House, or to persons outside of it, to offer an opinion or to express their sentiments on the subject, and that it is not open to the Government of the day to receive the honest expression of opinion by those who may support them in this House,

or those who may sympathize with them in the country. Now, I entirely protest against this principle of the noble Lord. The Bill before us has been in this House for some time. Hon. Gentlemen have had the opportunity of studying its provisions. An expression of opinion upon those provisions has been freely and fully given without the walls of this House. To say that Her Majesty's Government have not the privilege of availing themselves of that expression of sentiment and that result of reflection appears to me a monstrous proposition. I have known, I may say, innumerable cases in which, when the second reading of a Bill was proposed, the Minister who had proposed it has announced some change which appeared to be, in the opinion of the Government, advantageous, and at the request of the Minister the House has gone into Committee *pro forma* when the Bill would be reported in order that the opinion of the House might be taken on the Bill in that form. What is this monstrous claim upon which the noble Lord has dilated? He says that it is the principle of the Bill? [The Marquess of HARTINGTON: The keystone.] The noble Lord has, in an irregular manner, quoted some expression with which I was not acquainted. I hope both Houses of Parliament will make no reference to what is irregular; but this I will say—that I know that in “another place” the expression of letting value was proposed by a “Whig” Peer (Lord Penzance), and the proposition was inserted in the Bill. [“No, no!”] You may say “No, no,” but it is upon that definition that we are arguing. We know that the principle of the Bill is to secure compensation for unexhausted improvements. That is the principle of the Bill to which the noble Lord himself has appealed in the latter part of his speech, and upon which he says both sides of this House are agreed, and therefore he trusts that the second reading will be assented to. The noble Lord then goes into an argument which appears to me to be inconsistent with the very purpose of the Bill, and the complaint was that the improvements which ought to be executed by the landlord should have been so mentioned in this Bill. But this Bill does not in any way assume that there are improvements to be executed by the landlord. The landlord has power to execute such, and it is unnecessary to in-

sert them. But there are improvements which, according to the argument, ought to be executed by the landlord, but which are executed by the tenant; and what we have done is to indicate the mode by which compensation should be given to the tenant for executing those improvements, provided he executes them with the consent of the landlord; and therefore nothing in my mind can be travelling further from the scope of the Bill than the proposition of the noble Lord that we should provide in this Bill for the fulfilment of these improvements by the landlord. The noble Lord says there is not the least doubt that every landlord will contract himself out of this Bill with the tenants. Well, the noble Lord must have an extensive acquaintance with landlords to authorize him in giving so general and sweeping an account to the House. My experience is of a contrary description; but if the noble Lord is correct in the latter part of his speech, that one of the great features of this Bill is that it changes the presumption of the law and changes it in favour of the tenant, it is not very probable that the landlords would find their tenants so ready to contract themselves out of the Bill when that great change in their tenancy has been effected. No doubt that provision is a beneficial one; but it was denied at the beginning of the evening by the right hon. Member for Sandwich (Mr. Knatchbull-Hugessen). The Government have, indeed, no great cause to complain of the manner in which this Bill has been received by the House when we remember the thunder with which the Government were menaced and the Amendment of the right hon. Gentleman, which he introduced in a style and tone that could not fail to act upon the nerves of all who were sitting on the Treasury Bench. We were promised debates upon the principle of agricultural compulsion which should not be unworthy of those scenes which many of us remember. It now appears that, after all, this was only a loud and bustling surrender. The right hon. Gentleman indulged in a series of objections which is certainly a safe manoeuvre of rhetoric. When the time arrives that these criticisms are falsified, some of us, perhaps, may not be here; but whatever changes may occur it will be found that the English people will be then, as they are now, hostile to com-

pulsion in such legislation. It may be all very well for hon. and right hon. Gentlemen to treat with affected contempt the notion that our legislation should be founded on permission, but permissive legislation is the characteristic of a free people. It is easy to adopt compulsory legislation when you have to deal with those who only exist to obey; but in a free country, and especially in a country like England, you must trust to persuasion and example as the two great elements, if you wish to effect any considerable change in the manners and customs of the people. Right hon. and hon. Gentlemen opposite seem proud that on all occasions they are the advocates of compulsion in legislation. I do not envy them the lordly attributes they arrogate to themselves. I am not sorry if they pursue a policy founded upon the principle of compulsion, because I think that so long as they do there is less chance of their changing their position. I trust that those who are sitting on this side of the House will give no encouragement to a policy which I believe to be so pernicious—that they will advocate that course upon public measures which they believe to be beneficial to the country; and that they will trust to example and persuasion to induce a free and intelligent people to adopt their views and to follow their example. Well, Sir, after the speech of the right hon. Member for Sandwich, which covered the whole ground of compulsion, we listened to a most remarkable address from the right hon. Gentleman (Mr. Lowe); and if I am unable to reply to that speech, it is really because—although it was confined to one point which was apparently argued with great logical acumen—I could not, under any circumstances, succeed in ascertaining what the right hon. Gentleman intended to impress upon the House. So far as I could understand, the right hon. Gentleman had formed an imaginary clause that was certainly not in the Bill, and upon that imaginary clause, which he connected with one in the Bill, he arrived at a conclusion of peculiar perplexity. Twice in the course of his argument he adverted to something which I had not noticed and which I had omitted to explain. No wonder that I had omitted to notice a clause that does not exist. The right hon. Gentleman seemed to show—if he

showed anything—that the treatment of the tenants under this clause must be compulsory, and that it must be inevitably so to such a degree that they could not extricate themselves from it, although the right hon. Member for Sandwich had proved that compulsion did not exist, and was, indeed, shamefully wanting in the Bill. He was suspicious that he had involved himself in some logical eccentricities which the House had not understood. So the right hon. Gentleman said—"I will recapitulate my position." I watched the right hon. Gentleman, and listened with intense attention to him, and this I can say, that when he recapitulated his position he did not use a single word, expression, or argument which he had used in the former part of his speech. The right hon. Gentleman was followed by the hon. Baronet the Member for North Devon (Sir Thomas Acland), who was rich to-night in the peculiarity of his rhetoric which so particularly distinguishes him. The moment he sets up a position he always qualifies it. If he makes an assertion it is, to use a common expression "watered down." For a considerable period of time the hon. Baronet went on making wild charges against this measure, treating it with the utmost contumely, sparing no expression of scorn, and then ending by saying that he was perfectly ready to give his best exertions to render it a measure which would be satisfactory and useful to the country. I trust the House will not hesitate as to the course it will take. We are no longer threatened with a division to-night, but we have had some counsels given to us which would, if followed, paralyze our future actions. I trust the House will not be influenced by them. Rest assured that we are embarking in this Bill in a business which is dear to a great portion of the people of this country, and which, if with skill and temper it is carried into effect, will, I believe, remove many causes of discontent and misunderstanding, and confirm and increase those relations of confidence and amity which have for so long a period, and so greatly for the advantage of the country, existed between the owners and occupiers of the soil.

SIR GEORGE CAMPBELL said, that perhaps it would facilitate business if he withdrew his Amendment, which was not made in any spirit of hostility



to the Bill, but merely, as he supposed, as an instruction to the Government.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed for To-morrow*.

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. GOLDSMID remarked that this was a subject in regard to which the House ought to be particularly careful. If the discussion of the Estimates were left till a quarter to 1 o'clock in the morning late in the Session the House would be giving up its greatest constitutional privilege—namely, the control of the public expenditure of the country. It was great negligence on the part of the Government to postpone Supply until so late in the Session, and he strongly protested against the granting of any further Votes on Account. The present Government, when in Opposition, took the ground he was now taking; but the measures advocated by hon. Gentlemen in Opposition were forgotten now that they were on the Treasury Bench.

Mr. MELDON moved the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."  
—(*Mr. Meldon*.)

THE CHANCELLOR OF THE EXCHEQUER said, he hoped the House would consent to go into Committee and take a Vote on Account, as there were several branches of the public service which must otherwise come to a speedy standstill. The Government were most anxious to go into Committee, and get the Supply completed. They hoped to get the Civil Service Votes at that evening's sitting, and they would endeavour to proceed with the Education Votes next Thursday evening.

Mr. DODSON complained that Supply was unprecedentedly late this Session, and that the Government had made but feeble attempts to get on with the business.

Mr. SANDFORD said, he thought the explanation of the Chancellor of the

*Sir George Campbell*

Exchequer was not quite satisfactory. Why was not Supply taken at an earlier period of the evening? Unless the Government gave a distinct pledge to get on with the business of Supply at the earliest possible moment, he should vote for the Amendment of the hon. Member for Kildare (Mr. Meldon).

Mr. FAWCETT said, he thought that no one had condemned the conduct of general business so much as the Chancellor of the Exchequer himself. Supply was more important than the progress of a number of Bills which the country had not demanded.

Mr. DILLWYN said, that for a long time past it had been exceptional to take Supply on Friday. He protested against private Members being deprived of their privileges.

Mr. HUNT agreed that the practice of taking Votes on Account was more honoured in the breach than the observance; but the circumstances of the Session had been peculiar, in consequence of the persistent opposition offered to the Peace Preservation (Ireland) Bill—an opposition which had helped to prevent the Government taking Supply as often as they could have wished.

Mr. GOLDSMID maintained that the real reason why Supply was so backward was because the Government had overcrowded the Order Book with unnecessary Bills.

Mr. W. E. FORSTER held that the Government had brought this difficulty upon themselves. It was utterly impossible for the Government to expect to carry all the Bills which were before the House. He thought it was the duty of the Government to state frankly what Bills it intended to pass, and what Bills it was willing to abandon. He thought the Government might postpone these Votes on Account till next Thursday.

Mr. SOLATER-BOTH maintained that the Government had been partly brought into its present position with respect to Supply because it had not followed the example of the last Government in abrogating the rule which enabled private Members to move their Resolutions on Monday nights upon the Motion for going into Supply. The right hon. Gentleman must know that if the Education Vote was put down for Thursday next, no other Votes could be taken.

Question put.

The House *divided*:—Ayes 58; Noes 118: Majority 60.

Original Question again proposed.

MR. MACGREGOR moved the Adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."—(*Mr. Macgregor.*)

THE CHANCELLOR OF THE EXCHEQUER said, it was useless to resist Motions of this kind at so late an hour; but he pointed out that unless the Government obtained money before the 30th of June it would be placed in a position of embarrassment, and therefore he expressed a hope that the Motion for the Adjournment of the House would not be pressed.

Motion, by leave, *withdrawn*.

Original Motion *withdrawn*.

Committee *deferred till To-morrow*.

#### SUPREME COURT OF JUDICATURE ACT (1873) AMENDMENT [SALARIES, &C.]

*Considered in Committee.*

(In the Committee.)

*Resolved*, That it is expedient to authorize the payment, out of the Consolidated Fund, of an increased Salary and Pension to the Judge of the High Court of Admiralty, and of Compensation to the Second Judge of the Court of Queen's Bench for loss of Fees; and of authorising the payment, out of moneys to be provided by Parliament, of the Salaries and Remuneration of the Officers of the Courts of Common Pleas at Lancaster and Durham, and the Expenses of the said Courts, and of Compensation to any persons for loss of Fees or abolition of Office, in pursuance of any Act of the present Session for amending "The Supreme Court of Judicature Act, 1873."

Resolution to be reported *To-morrow*.

#### SEA FISHERIES (IRELAND) BILL.

On Motion of Mr. COLLINS, Bill to make better provision for the encouragement and regulation of the Coast and Deep Sea Fisheries of Ireland, *ordered* to be brought in by Mr. COLLINS, Mr. BUTT, and Sir JOSEPH M'KENNA.

#### DEAKIN'S INDEMNITY.

Motion made, and Question proposed, "That leave be given to bring in a Bill to relieve James Henry Deakin, of Warrington Park, in the county of Cornwall, esquire, from any penal consequences, disability, or disqualification which he may have incurred under 'The Corrupt Practices Prevention Act, 1854.'—(*Mr. Staveley Hill.*)

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Dodds.*)

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at Two o'clock.

## HOUSE OF LORDS,

*Friday, 25th June, 1875.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Drainage and Improvement of Lands (Ireland) Provisional Orders Confirmation (Fountains, &c.) \* (170); Ecclesiastical Commissioners (Fen Chapels) \* (172); Friendly Societies \* (173).

*Second Reading*—Ecclesiastical Fees Redistribution (161); Juries (Ireland) \* (166).

*Committee—Report*—Metropolis Management Acts Amendment \* (145); Survey (Great Britain) Acts Continuance \* (128).

*Report*—Intestates Widows and Children (Scotland) \* (143).

*Third Reading*—Offences against the Person \* (158); Gas and Water Orders Confirmation \* (70); Glebe Loan (Ireland) \* (114); Railway Companies \* (111), and *passed*.

#### NAVAL CADETS—THE NEW NAVAL COLLEGE.—OBSERVATIONS.

##### QUESTION.

THE EARL OF CAMPERDOWN rose to call attention to the Report of the Committee appointed by the Admiralty to inquire into the system of training Naval Cadets on board H.M.S. *Britannia*: and to ask, Whether a site has been selected for the new College; and, if so, whether there is any objection to lay on the Table the Report of the Medical Director thereon? It would be in their Lordships' recollection that last Session the subject of the training and studies on board the *Britannia* had been brought under their notice by a noble and learned Lord (Lord Chelmsford)—who, he regretted, was prevented by indisposition from being in his place that evening—in a very interesting speech. Though he did not go to the full length of the noble and learned Lord's position on that occasion when he said that several of the papers were not only too difficult for boys of the age of those who were candidates for naval cadetships, but would be found too difficult for very many of their Lordships, himself included, he did concur with the noble and learned Lord in thinking that some of those questions were not of the sort which boys of that age should



be expected to answer. On the occasion to which he was referring his noble Friend opposite (the Earl of Malmesbury), answering on behalf of the Government, announced that it was the intention of his right hon. Friend the First Lord of the Admiralty to appoint a Committee to inquire into the effects of the system pursued on the mental and physical condition of the boys admitted as naval cadets. Since that time the Committee had been appointed, had taken evidence, and had made its Report. Most of their Lordships had, no doubt, read that Report, and they would have perceived that as regarded the physical appearance of the young cadets the evidence given to the Committee did not bear out the figures furnished to the noble and learned Lord (Lord Chelmsford), and quoted by him in their Lordships' House. They reported that the cadets on board the *Britannia* were quite up to the average height, and were over the average weight of lads of the same age in the Public Schools; that their rate of growth was, if anything, in excess of the normal standard; they admitted that some of the cadets had a jaded appearance; but in no way did the physical condition of the cadets seem so unsatisfactory as had been represented in the figures quoted by the noble and learned Lord. It further appeared from the Report that as regarded the examinations, from the method adopted in the training of the boys, and the close connection between the questions and the course of study in the previous term, they were less severe than might be supposed by those who did not know that the questions were on subjects which the cadets had been recently engaged in studying. The Committee further reported that failures in passing were exceedingly rare; that a fair proportion of the boys obtained first-class certificates, and that the hours of study were by no means excessive; but they were, at the same time, of opinion that the boys were overtaxed by the number of subjects in which they were required to prepare themselves, and recommended the omission of a certain number of those subjects from the course. He was afraid that in its selection of these subjects the Committee had not acted very judiciously. Physics was one of them, and he thought it would be unfortunate

if naval cadets did not receive instruction as to the steam-engine. It therefore appeared that, though the system of instruction pursued on board the *Britannia* required to be amended in some particulars, it had in operation been, on the whole, satisfactory. The right hon. Gentleman the First Lord of the Admiralty, in moving the Navy Estimates for the present year, had announced the intention of the Government to substitute for the *Britannia* training ship a college on shore; he wished to know from his noble Friend whether a site had been selected for the new College? It was stated that Dartmouth was the place selected. Now, the climate of the South of England was relaxing; and he thought such a climate was not well suited for growing boys. Would there be any objection to lay upon the Table the Report of the Medical Director General on the site? Three years ago Mr. Goschen had it in contemplation to establish a Naval College, and a site was offered, which he rejected on account of the humidity and dampness of the climate. Great attention should be paid to the question of climate in the selection of a site, and most naval officers insisted that it should be in the vicinity of a great harbour. As to the system of competition which had been established by Mr. Childers, and which was only a competition between two boys for each vacancy, much had been said in condemnation of that system; but he did not think that the evidence taken before the Committee bore out the conclusion arrived at by the Committee with respect to the system. Of what might be called the military branch of the Navy, two witnesses were in favour of it, two were strongly against it, one was completely neutral, and the remaining one might be described as neutral. Of the several civilians of importance who were examined only one was against it. Taking the Blue Book from beginning to end he could not find any evidence to justify the conclusion arrived at by the Committee. In consequence of that conclusion the Government were abolishing competition and resorting to a test examination. Strong evidence was adduced before the Committee to show that "cramming" had existed long before the adoption of the competitive system into the Navy, and that there was no



reason to believe that the number of cramming schools had been increased by it. Was cramming a necessity of the competitive system? He did not believe it. Cramming arose from the fear of parents that their sons would not pass, and it would be resorted to, whether the examinations were competitive or test examinations. Some of the best examinations had been passed by boys who had come up to the examination straight from school. Cases had come within his own knowledge in which persons had hesitated to allow their boys to go up because they had not been crammed; but on his advice they had allowed them to go up, and the boys passed. He ventured to think that a test examination would encourage cramming more than did the limited competitive system which had hitherto been in operation. As long as there was competition, however limited, there was uncertainty as to the standard which the candidate must reach; but once have your test examination and the crammer knew the exact standard up to which he must cram his pupil. In this country we had only recently established a new system of education for the Navy; we had at the head of it a College which was universally admitted to be successful, and we had placed the entrance examination under the President of the College. He believed that, so far as the evidence taken by the Committee could be regarded as proof, the complaints urged against competition had broken down, and yet, on the occasion of the last examinations that had been held, that successful system was departed from and a test system set up in its stead. He was not in favour of competitive examination from any abstract feeling. He could not, however, but notice the tendency that was at present showing itself to abolish competitive examination in every Department of the public service. He could not avoid calling attention to this subject and protesting against the step taken by the Admiralty as a retrograde one which had been taken without sufficient reason, and which he held to be prejudicial to the best interests of the Naval Service.

THE EARL OF MALMESBURY said, that this was not a party subject, and he gave credit to the predecessors of the present Government for having done a great deal of good in reference to the training of cadets for the Naval Service.

With respect to the first Question of his noble Friend—whether the Government had chosen the site for the new College, and whether they were willing to lay on the Table the Report of the Medical Director in reference to such site—he had to say that the Report of the Medical Director was not ready for presentation to the House. With respect to the site of the proposed Naval College—the late Government, as he understood, had the idea of fixing upon a site at Poole or Branksea Island. Now, he (the Earl of Malmesbury) must express his opinion that there could scarcely be a worse position for the College than Branksea Island. It lay in the middle of a muddy harbour and was as much infested with mosquitoes as any place he ever heard of in his life; and, further, there was not enough water to bring to the island any training-ship that might be required for the use of the cadets, and there were other objections to it. Her Majesty's Government had taken great pains to investigate the matter; and, as a result of their inquiries and examinations, they felt obliged to come to the conclusion that Dartmouth was the best site that could be selected. No doubt there were objections of climate there. In summer the heat of Dartmouth harbour was intense; but the College would be built on the heights; and training-ships would lie in the harbour below. Taking all circumstances into consideration, Dartmouth appeared to be the most convenient spot. The best situation and the most convenient spot would be selected for the site of the College. [The Earl of CAMPERDOWN asked if the site had been absolutely fixed upon?] No; the site had not yet been purchased, but the Report of the Committee appointed by the Admiralty had been printed with all the evidence, and their Lordships would be able to go through it, and they would see that there was quite as much said in favour of the site now selected as there had been against it. His noble Friend had quoted a number of extracts from evidence given before the Committee of Inquiry into the system of training the cadets, his (the Earl of Camperdown's) object being to show that the Committee was wrong in the conclusions at which it had arrived, and that the Government were wrong in deciding to give effect to the recommendations of the Committee. His noble Friend's experience must have



taught him that the evidence given before Committees and Commissions was very contradictory. It was easy to divide it into two parts, and to select from it statements to support the particular side which you wished to support. He would undertake to extract from the Blue Book to which his noble Friend had recourse quite as much evidence to support the Report as he had quoted against it. He would go further, and assert that the weight of evidence was against the position for which his noble Friend contended. As to the question of instruction and training of the cadets, a complete scheme of education had been laid down on the recommendations of the Committee which differed from the present system, but in the opinion of the Admiralty was superior. The Committee were of opinion that the boys were overworked, and they recommended that not more than eight papers should be set down for one examination, and that the examination should not last beyond four or five days. At the time the Committee were conducting their inquiry the number of papers was from 10 to 14, and sometimes the examination lasted as long as nine days. They proposed that there should be additional time for recreation after dinner, and that not more than two subjects should be given in the morning and two in the afternoon, and that there should be 10 minutes between each subject. Their Lordships would remember that the examinations were not for men, but for boys, some of whom were only 11½ years old—in fact, the great objection to the studies was that these little boys were required to do too much. Having referred to the number of hours during which the cadets were employed at their studies, the Committee went on to say that at the examinations the boys were overtaxed by the excessive number of subjects and by the system of cramming. His noble Friend had given no definition of what he understood by "cramming." No doubt all their Lordships had been crammed; but what the Committee meant when they spoke of "cramming" was that system by which the candidates for an examination were brought up to the post in the highest condition—crammed with knowledge which they forgot within two or three days after the examination. When the Committee spoke in condemnatory language of

competition they did not condemn it as a system—they only condemned its adoption in examinations of boys of the age of those who presented themselves for admission to the Navy. His noble Friend need not apprehend that an elementary knowledge of the steam-engines would be cut out from the subjects. Among the subjects which the Committee recommended in substitution for some which they would have omitted was mythology. He thought this was desirable, seeing that more than one-half the ships in the Navy had mythological names. The Committee recommended that the cadets should remain in the College three years instead of two, and that they should not have to attend school when they went to sea. That was because it was thought that attendance at school lessened the feelings of responsibility which a midshipman ought to possess, and which it was necessary to encourage. During the time the lads were in College they would have the advantage of instruction on board training ships. The subject of competition was an awkward and a touchy one. He observed that if any person said a word against competition in examination he was answered by the remark—"Oh, you are for ignorance." Now, as he had already pointed out, the Committee justified themselves on this head by stating that they were condemning competitive examination only in the case of very young boys. The Committee was composed of members, including Admiral Rice and Captain Graham, who were entitled to their Lordships' confidence, and the evidence taken before it was printed and accessible to all. Those who studied that evidence would, he thought, admit that there could be no doubt on two points—that a College would be found very much superior to a ship, and that the substitution of three for two years was a great improvement. It would, under these circumstances, be acknowledged, he felt satisfied, that the Admiralty had adopted the right course.

THE DUKE OF SOMERSET said, he looked upon the subject as a very important one. It appeared that the Government had determined to give up the *Britannia*, and to have a College on shore; and it seemed they had selected a site at the top of a hill near Dartmouth. As to the substitution of a



College for the *Britannia*, he felt very much disposed to concur in the view taken by the Government; for the fact was that, as matters stood, we should soon not have a ship by which the *Britannia* could be replaced; and it was desirable that our old ships should be kept for the purpose of store ships in various parts of the world. As to the objection of the new Naval College being situated in Devonshire, he might point out to his noble Friend that Devonshire had produced some of our most renowned seamen and navigators. His noble Friend below him (the Earl of Camperdown) seemed to think that the report of a medical man was required before the site of the proposed College was fixed upon; but he himself was quite satisfied to know that it would be on the top of a hill in Devonshire. He was, at all events, glad to find that the site was not to be at Plymouth or Portsmouth, or any great seaport, to which he thought it would be most objectionable that the boys should be sent. As to the examinations which these boys were required to undergo, he must confess he was of opinion that they were a little too severe, and he arrived at that conclusion, not from his own personal experience, but from the evidence of those by whom the examinations were conducted. The Government, therefore, had, he could not help thinking, done well in appointing a Committee to look into the question, and the Committee had come to a wise conclusion in recommending that the examinations and subjects of study should be reduced. Though he thought the boys had been overworked, still they must receive a good education, the Navy now being a scientific profession, and the officers would have to compete with those of other nations; but as to little boys entering the service by competitive examinations, he believed, as at present conducted, it was of very doubtful good to them or to the country. The examiners wished to bring out their own skill and learning, and what was now wanted was that the examiners themselves should be educated as to the best mode of examining young boys. There was, of course, the advantage in competition that it did away in a great measure with anything like favouritism, and he found it extremely agreeable when at the Admiralty to be saved from endless applications by sending up boys to try

what they could do by submitting themselves to examination. A good system of examination ought, at the same time, to be established. He certainly was disposed to agree very much in the expediency of the course which the Government had adopted, both in regard to the site of the College and in respect of the education of the cadets.

LORD ELPHINSTONE said, that the evidence before the Committee showed that many of the witnesses were not in favour of competition. In his own opinion, competitive examination was not so much a test of the boy's ability as of the skill of his tutor or his powers of memory. He thought the Government had done wisely in determining to abolish a test that was utterly fallacious. The Admiralty did not intend to adopt the recommendation of the Committee that a Board should be instituted, consisting of executive and medical officers combined, by whom the fitness of boys to enter the service should be decided. If from any reason, physical, moral, or otherwise, a boy was found unfit to enter the service, he could be sent home to his parents. By that no injury would be done either to the boy or to his parents, because he would have learnt what was a valuable lesson—namely, that he was not fitted for the line of life which he had first struck out for himself, and he could, therefore, at his early age, easily turn his mind to some more suitable occupations for which the education he had previously received would prove of value. As to the site at Dartmouth, the Report showed that the boys there were, in respect to growth, height, and weight, rather in excess than otherwise of those of any public school in the country; and he therefore came to the conclusion that the selection was judicious.

THE EARL OF LAUDERDALE thought that naval men were obliged to the noble Earl who had brought that question forward, although they might not agree with him on all points. His own opinion always had been that the proper place in which to bring up boys for the sea was on board of a man-of-war, in a roomy ship, such as they now had at Dartmouth. They need not be kept on board the training ships—they might be allowed plenty of recreation on shore. As to putting them into a College, he differed from the noble Duke on that point. If there was to be a Naval College he



thought it should be erected at one of the great naval forts or arsenals, where the boys would every day see something of what would be their future life. It should not be forgotten that Portsmouth was not now what it was 50 years ago—a bad place. There was no reason why boys placed there should learn what it was best not to know. If a College was wanted, why not send the boys to Greenwich, where there was a College already, and a building big enough to hold them and the officers also?

LORD HAMPTON said, he quite agreed in thinking that their Lordships were much indebted to the noble Earl (the Earl of Camperdown) for bringing the subject under their notice; but he was not able to agree with his noble Friend in the views which he had expressed, as he felt great satisfaction at the course which the present Board of Admiralty had adopted in reference to the competitive examinations of these boys. There was a great difference of opinion in relation to this subject, and he was sincerely glad that the Government had decided that in regard to these boys such examinations should not take place at the early ages mentioned in the Report. When he was at the Admiralty that question of competitive examination was rising in importance and in interest, and it came a good deal under his consideration; and he must say that if there was one point on which he was more determined than another while he was at the Admiralty, it was that he would not favour the introduction of competitive examination for boys of that early age. On other points he was not able to agree so entirely with the present Board of Admiralty or with the noble Duke (the Duke of Somerset) who had spoken that evening. As to the question of a Naval College, he did not agree with the Government. He differed also from the views expressed by the noble Duke opposite as to the question of site; and from those of the noble Earl below him (the Earl of Lauderdale), who had given a preference for training ships. He had consulted a great number of distinguished naval officers, and the great majority of them differed in opinion from his noble Friend, and said that a College on shore was far preferable to a ship afloat. He was glad, therefore, that the Board of Admiralty had decided

upon giving up training ships and returning to the system of a Naval College. But when he came to the question as to where the College should be, he could not help expressing regret at the decision which the Board of Admiralty had come to. Their Lordships must not be surprised that the noble Duke opposite (the Duke of Somerset) had advocated the county of Devon; but it did not rest with any Committee to say whether Devonshire was or was not the best climate for these boys, for it was notorious to everybody that knew that county that the air was very relaxing, and therefore he was sorry that a large body of boys, collected from all parts of the kingdom, should be sent to a College situate in the most relaxing county in it. He would remind their Lordships that the late Government decided not to build a College upon Branksea Island because the air was so relaxing to the constitution; and it would be very difficult to persuade him that the air of Dartmouth, or at any other place on the coast of Devon, was better. But he regretted that Dartmouth had been selected, for he thought the place chosen should have been one where the boys would have ready access to a naval arsenal. If Devonshire were decided upon he should prefer Plymouth, and he could not believe that a good site there could not be found for a Naval College.

LORD DUNSANY said, he did not attach much importance to the fact that the climate of Devon was somewhat relaxing. Supposing the South Coast of England would be prejudicial to the health of these boys, what state would they be in after they left the South Coast of England and went to the West Coast of Africa? He believed that Dartmouth would not be a bad place for these boys, as they would have sea breezes on one side and the air of Dartmoor on the other. Moreover, it was but a short time they would have to spend at the College. To his mind there was no serious objection to Dartmouth, and it ought to be remembered that, according to the plan of the Government, part of the boys' time would be passed in tenders, which would serve as training ships, and that they would thus be enabled to visit some of our arsenals. He did not agree with competitive examinations. They were not a good test of real ability nor of moral qualities, nor



of fitness for the service as officers. The boys should learn more of the practical part of seamanship and less of the theoretical. There should be cruisers at Dartmouth for the purpose of exercising the boys in seamanship, and for ascertaining what boys possessed qualities which would make them good and efficient officers. But though competitive examinations should be dispensed with, the Admiralty should not set up a low standard of education, because the naval officers of this country would have to compete with those of other countries, whom they would find to be highly educated.

#### ECCLESIASTICAL FEES REDISTRIBUTION BILL.

(*The Archbishop of Canterbury.*)

(NO. 161.) SECOND READING.

Order of the Day for the Second Reading, read.

THE ARCHBISHOP OF CANTERBURY, in moving that the Bill be now read the second time, said, that his object was to take another step in the direction that had already been sanctioned on two occasions by Parliament. So, as 40 years ago, the Legislature, acting on the recommendations of a Commission which had examined into the subject of the Ecclesiastical Courts, passed an Act—the 7 & 8 *Vict.* c. 68—which enacted that the registrar of every Court exercising an ecclesiastical jurisdiction should transmit to the Treasury an annual account of fees received in each year; and by a subsequent Act—the 10 & 11 *Vict.* c. 98—it was enacted that every person thereafter appointed to any office of any Ecclesiastical Court in England should hold the same subject to all regulations and alterations which might thereafter be made by the authority of Parliament. It was to carry further the principle of these Acts that the present measure was introduced. The Bill provided, in the first place, that all persons hereafter appointed to ecclesiastical offices should hold the same subject to such regulations or alterations affecting the same or affecting the fees receivable in respect thereof as might be hereafter made by Parliament, and that they should make annual returns to the Treasury of the fees received by them. It was true that by the Acts to which he had referred the same conditions were imposed; but as time had passed

on the holders of those offices appeared to have forgotten the terms upon which they held their appointments, and it was therefore necessary to remind them of the conditions by a fresh enactment. It was, however, intended by this Bill to deal gently with the present holders of these offices, and merely to remind them that they held their appointments subject to any re-adjustment of fees that Parliament might hereafter choose to make. But the special purpose of the present Bill was to provide that no such person should hold himself entitled to retain to his use the whole of the fees so received; and it was therefore enacted that all persons who should hereafter be appointed to such offices should pay to the Ecclesiastical Commissioners of England such proportion of the fees received by them as they should be required and directed to pay by a body consisting of the Lord Chancellor, the two Archbishops, and the Lord Chief Justice of England; to be placed by the Commissioners to the credit of a fund to be called the Ecclesiastical Fees Fund. This would relate only to the fees or salaries of persons appointed after the present date. It was absolutely necessary that some practical step should be taken in a matter which had from time to time occupied the attention of Parliament for the last 40 years—which had been inquired into by two Select Committees of their Lordships' House, and had been sought to be dealt with by Bills, the first of which he had himself introduced as early as the year 1869. Returns on the subject of the fees proposed to be dealt with had been ordered by their Lordships, but very imperfect Returns had been furnished—the order of their Lordships' House and the distinct provisions of an Act of Parliament on the subject having been in some cases altogether ignored;—and this fact accounted for the late period at which the Bill was presented for their Lordships' consideration. The Bill had one other object, which he would briefly refer to. In the discussion last year on the Public Worship Regulation Bill a question was raised as to the source from which the Judge to be appointed was to be paid, and it was considered that the Judge and the ecclesiastical fees had some sort of connection. The proposal the Bill made was this—that having by the proceedings he had explained obtained a



Fee Fund a moderate sum should be paid to the Judge out of that Fund until the matter could be properly adjusted. The two Archbishops had been fortunate enough to find a learned and eminent Judge (Lord Penzance) who had undertaken to discharge the duties of the office, and who was already in receipt of a retiring pension for his previous services to the country. There were, however, certain expenses likely to arise in the administration of justice in the new Court which it would certainly be extremely unfair to require a Judge to defray out of his own resources. The learned and eminent person who had been appointed Judge of the Archbishops' Court of Canterbury and York—Mr. Granville Harcourt Vernon—and who by the provisions of the Act would in process of time become the sole Judge of the Ecclesiastical Courts of Canterbury and York, was ready to undertake those duties, asking only that the moderate expenses to which he had alluded should be repaid to him, and it seemed only reasonable that the Fund in question, which was liable to the distribution of Parliament, should be made available for the purpose. There was one other provision in the Bill—namely, that, whereas in the Provincial Ecclesiastical Court of York the Judge of that Court held various offices under one patent, it was important that he should be able, if he so desired, and as the Bill would enable him to do, to resign the one office without necessarily resigning the other.

*Moved* "That the Bill be now read 2<sup>d</sup>."  
—(*The Archbishop of Canterbury.*)

THE EARL OF SHAFTESBURY said, he did not very well see how they could redistribute fees of which, at present, they had little or no knowledge. The Returns to which the most rev. Prelate had referred had been ordered as long back as May, 1874; but up to the present time the results had been very imperfect. No fewer than 11 dioceses had not returned the amount of the fees, amounting, he believed, to an enormous sum, which had been received by the Surrogates, and 40 Archdeacons had made no Returns at all, in defiance not only of their Lordships' Order, but of an Act of Parliament which required those Returns to be made year by year. At that moment, therefore, they were totally in the dark as to the fees which

were to be dealt with, and which, he believed, would be found to be able to bear a heavier burden than was proposed to be laid upon them. He believed they would amount to, at least, £70,000 if properly accounted for.

EARL NELSON expressed a hope that as the Bill had been in their Lordships' hands so short a time, and as its second clause affected, in a certain degree, the existing holders of offices which were widely scattered up and down the country, some little time would be allowed to elapse before the Committee stage was taken. These Returns were made compulsory upon many persons, some of them clergymen, who had not hitherto made them, and if they were not made within a certain date they were to be fined £20, which was to be recovered before two justices of the peace at petty sessions. Ample notice ought to be given of this change of the law, so that a mine might not be sprung upon these people without notice. The 6th clause really referred to the salary of the new Judge. As Lord Penzance was to be the new Judge, he had no objection to the salary of the Judge being under this Bill £1,000 as long as he held the office. It was necessary, however, that this office should be held by a person of great weight and authority, and he trusted that a larger salary would be set apart, if necessary, for those who might succeed that noble and learned Judge. He could not understand how the funds for the salary of the new Judge were to be at present obtained. There could be no funds until some of the present holders died or vacated their offices; but the Act made it compulsory to pay the Judge, and he hoped that the Ecclesiastical Commissioners would not have to pay the money out of their own pockets. The Act further stated that these funds were to be returned by January 1, but their Lordships were not told how much they amounted to.

THE ARCHBISHOP OF YORK said, there was not the least intention to draw upon the Ecclesiastical Commissioners, as there would be no payment until there were funds in hand. The sum to be paid out of the Ecclesiastical Fees Fund to the Judge appointed under the Public Worship Regulation Act was to be £1,000, which would include £200, the salary of the Judge's clerk. At

*The Archbishop of Canterbury*



present, however, all that the Judge would receive would be £700 a-year from the office of Master of the Faculties, which would pass into his hands. It was only right to state that great pains had been bestowed upon this subject, and that there was a scheme in preparation which would be brought before Parliament next Session by which from 30 to 40 per cent of the whole of the fees would be saved to the clergy. The noble Earl (the Earl of Shaftesbury) had stated the total amount of the fees to be £70,000; but it would, he believed, be found not to exceed £50,000. The only burden cast upon the Ecclesiastical Fees Fund by the Bill would be £1,000 per annum. The Judge would receive £800, which added to the £700, the salary of Master of the Faculties, would make his total salary £1,500 a-year, and there would be £200 for his clerk. This scheme was acceptable to the Judge, and would, he hoped, receive the assent of Parliament.

THE BISHOP OF CARLISLE said, he thought some change would have to be made in some of the clauses. He strongly objected to the 4th clause, under which anyone who failed to transmit an account of fees received by him within the time appointed might be taken up like a poacher, or other like offender, before two justices and fined £20. There was, moreover, a strong feeling with regard to several of these fees, especially as to churchwardens' fees, the Returns of which were included in the Bill. The reason was that, some time ago, when the authorities who had the power revised these fees throughout the country, they found that they were high in some dioceses and low in others, and they struck an average, and by so doing raised up the latter to the level of the former. Thus the fee for the admission of churchwarden used to be 12s. 6d. in his diocese. It was now raised to 18s., and so much dissatisfaction was caused that it was sometimes difficult to obtain payment of the fees at all. He hoped before that Bill became law some alteration would be made in Clause 5, and that it would be made clear that there was an intention to reduce the fees. It was true the objections he took might be met by Amendments in Committee; but he mentioned the points now because he feared the Bill would cause some dissatisfaction, which might

be allayed if assurance were given that its defects would be considered in Committee.

THE LORD CHANCELLOR said, the remarks of the right rev. Prelate had reference to matters of detail, which might be re-considered in Committee: for instance, he did not consider it right that the existing officers should be put under penalties to which they were not at present subject. The Bill was professedly a temporary measure, and he agreed with the right rev. Prelate in the hope that this Bill might be regarded as a solemn pledge that the whole question of fees would be dealt with without further delay.

THE ARCHBISHOP OF CANTERBURY, in reply, thanked his right rev. Brother (the Bishop of Carlisle) for his criticism, and promised that the points he had raised should be considered before the Bill went into Committee. He concurred with the noble and learned Lord in regarding the Bill as a pledge that the matter was to be dealt with seriously, and was to be no longer played with. The noble Earl (the Earl of Shaftesbury) had complained that certain Returns had not been made through the surrogates; but as those officers were paid for duties of quite a different character they were not to blame, and he might also mention that the fees estimated by the noble Earl at £70,000 were really £50,000 a-year. It had been said that certain fees which for some years had been received from the proctors, amounting to £3,000, had fallen in, and ought to have been applied by himself and the Bishop of London to the payment of the Judge under the Public Worship Regulation Act. The answer to that was simply that they had no such power. The fees in question lapsed to the person by whose consent they had been diverted for a certain number of years. With regard to time for consideration, if the Bill went into Committee on Friday next, would that satisfy the noble Earl?

EARL NELSON assented.

Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Friday next.

## OFFENCES AGAINST THE PERSON

BILL—(No. 158.)

(The Lord Hampton.)

THIRD READING.

LORD STANLEY OF ALDERLEY, (in the absence of Lord Hampton), in moving that the Bill be now read the third time, said, that great disappointment had been felt at the striking out of Clause 4 of the Bill, extending protection to the age of 13, and at the inconsistency with which the Bill, as it now stood, treated children under 13 as adult women, able to take care of themselves, while the Education Act treated them as children to be kept at school.

Motion agreed to.

Bill read a third time, and passed.

## DRAINAGE AND IMPROVEMENT OF LANDS (IRELAND) PROVISIONAL ORDERS CONFIRMATION (FOUR TOWNS, &amp;C.) BILL [H.L.]

A Bill to confirm two Provisional Orders under The Drainage and Improvement of Lands (Ireland) Act, 1863, and the Acts amending the same.—Was presented by The LORD PRESIDENT; read 1<sup>st</sup>; and referred to the Examiners. (No. 170.)

House adjourned at Eight o'clock, to Monday next, Eleven o'clock.

## HOUSE OF COMMONS,

Friday, 25th June, 1875.

MINUTES.]—SELECT COMMITTEE—Report—Acts of Parliament [No. 280].

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—Ordered—First Reading—National School Teachers (Ireland) \* [223].

First Reading—Sea Fisheries (Ireland) \* [221].  
Second Reading—Tramways Orders Confirmation \* [220].

Committee—Infanticide [43]—R.F.

Committee—Report—Agricultural Holdings (England) \* [177-222]; Parliament of Canada \* [209].

Withdrawn—Lands Clauses Consolidation Acts Amendment \* [96].

## THE TICHBORNE TRIAL—THE WITNESS MRS. MINA JURY.—QUESTION.

DR. KENEALY asked the Secretary of State for the Home Department, Whether Mrs. Mina Jury, a witness for the prosecution in the case of the Queen

*v. Castro*, is the same person as Mercivena Caulfield, who was convicted in Dublin, at the Commission Court holden on Thursday June 24th 1847, before two of Her Majesty's judges, for stealing a large quantity of wearing apparel, and was then sentenced to seven years transportation; and, if so, whether the Treasury was aware of the fact when she was produced as a witness against the claimant; and, whether he will state the whole amount of money paid by the prosecution to the said Mina Jury?

MR. ASSHETON CROSS, in reply, said, he had made inquiries at the Home Office and the Treasury with regard to the matter, and he found that neither the Department of the Secretary of State nor the Solicitor to the Treasury had any knowledge whatever whether Mrs. Mina Jury was or was not the same person as Mercivena Caulfield; and that the first and only intimation the Treasury had had of any allegation that she was the same person was contained in the Question of the hon. Member. He had directed further inquiries to be made. Whilst the Government had no desire to conceal anything that had been done with regard to the expenses of the prosecution, the House had already determined on a division not to order a Return of the amounts paid to the witnesses in the case.

DR. KENEALY gave Notice that on an early day he should call attention to the subject of his Question.

## INLAND REVENUE—THE ASSESSED TAXES.—QUESTION.

MR. MONK asked Mr. Chancellor of the Exchequer, Whether he is prepared to authorize the adoption of a single form of licence for articles taxable under the assessed taxes in lieu of a separate licence for each article; and, whether he proposes to alter the present arrangement as to the payment of legacy duties through stamp distributors?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, he understood that a single form of licence had long been in use for the purpose named in the Question; but for reason of checks and account the issue was confined to collectors of Inland Revenue, whose address was given on the back of the forms of declaration, and any person by writing to the collector, enclosing a Post

Office order or cheque for the amount, could obtain a licence in the enclosed form. In May, 1874, a proposal was made to the Treasury that legacy and succession business with persons in the provinces should be conducted by direct correspondence with the head office instead of through the stamp distributors, by which it was expected that a not inconsiderable saving would be effected chiefly from the poundage of the collectors. The question was hung up because it was accompanied by a condition that the salaries of the officials in the Legacy Duty Department should be revised. This question formed part of an inquiry which was now proceeding.

#### DOVER PIER AND HARBOUR BILL.

##### QUESTION.

MR. FRESHFIELD asked the President of the Board of Trade, What course he intends to pursue with the Dover Pier and Harbour Bill?

SIR CHARLES ADDERLEY: Sir, the strong opinion expressed by the Committee in favour of an extension of the work proposed by this Bill renders it necessary that the Government should re-consider the whole plan, and at this period of the Session there is not time to do so. The subject will be carefully considered during the Recess, and the course decided on to be taken next year.

#### EMPLOYERS AND WORKMEN BILL.

##### QUESTION.

LORD ROBERT MONTAGU asked the Secretary of State for the Home Department, Whether his proposal that the Act 5 and 6 Vic., c. 7 (which applies to apprentices who have paid no premium for binding, the following Acts suspended since 1867, viz. 20 Geo. 2, c. 19; 32 Geo. 3, c. 57; 33 Geo. 3, c. 55; 4 Geo. 4, c. 29) shall be continued, while three of the above Acts are repealed, will have the effect of limiting the aforesaid Acts to such apprentices, while abolishing all the other provisions?

MR. ASSHETON CROSS, in reply, said, that the 5th and 6th Vic. c. 7, recited the following Acts:—20 Geo. II., c. 19; 33 Geo. III. c. 55; 4 Geo. IV. c. 29; and 32 Geo. III. c. 57. It then enacted that all the powers and provisions of the said recited Acts should be

taken to extend to apprentices when any sum or premium of apprenticeship had been or should be paid. The Bill now upon the Table of the House repealed the last three of the said Acts, and expressly saved from repeal the reciting Act, 5 and 6 Vic. c. 7. The effect of that would be not in any way to revive any of the three repealed Acts, which would be repealed for all purposes, but simply to keep in operation the 5th and 6th Vic. c. 7. The other Act, 32 Geo. III. c. 57, was not repealed, because it had nothing to do with the subject of the Bill.

#### MERCANTILE MARINE—CASE OF THE "DRUID"—THE WRECK REGISTER, 1874 AND 1875.—QUESTIONS.

MR. PLIMSOLL asked the President of the Board of Trade, Whether, seeing that the department has now a solicitor of its own, he intends to act upon the recommendation of the Court of Inquiry which sat upon the loss of the "Druid" steamship, and prosecute the owners for knowingly sending her to sea in an unseaworthy condition; and, further, when he thinks the Wreck Register for the year ending June 1874 will be issued to Members?

SIR CHARLES ADDERLEY, in reply, said, that in accordance with the recommendation of the Court of Inquiry into the case of the *Druid*, which was held in February, 1873, proceedings were commenced by the Home Office, but the case being referred to the Law Officers of the Crown they gave their opinion that such proceedings should be stopped, as it would be a very difficult case to prove, especially as the Coroner's Jury had acquitted the captain of the charge of manslaughter. The proceedings, therefore, were not continued. The fact of the Board of Trade having now a solicitor of their own, did not therefore afford a reason for taking up proceedings two years and a-half after the case. In answer to the second Question, the Wreck Register up to June, 1874, was in the printer's hands and would be out in a few days. The Wreck Register up to June, 1875, would be out within a fortnight of the termination of this month, owing to arrangements which he had himself made. The delay in issuing last year's Register was owing to exceptional circumstances.



## MERCHANT SHIPPING ACTS AMENDMENT BILL.—QUESTION.

MR. PLIMSOLL asked the First Lord of the Treasury, Whether he can take the Merchant Shipping Bill as the first Order of the Day on Monday, seeing that in its present position two nights' debates would probably finish the measure?

MR. DISRAELI, in reply, said, it had already been arranged that the first Order of the Day for Monday next should be the Second Reading of the Bill relating to the Labour Laws. It would not be convenient to put down the Merchant Shipping Bill as the second Order, but he would bear the matter in mind, and at the proper time announce the date on which the consideration of the Bill would be resumed.

## COUNTY SURVEYORS SUPERANNUATION (IRELAND) BILL.—DEPUTY SURVEYORS.—QUESTION.

MR. M'CARTHY DOWNING asked the Chief Secretary for Ireland, Whether he has received from the deputy surveyors of Ireland a statement setting forth certain grievances under which they feel that they suffer; and, whether he has considered their cases; and, if so, whether it is his intention by legislation to improve their condition; and, if so, whether during the present Session?

SIR MICHAEL HICKS-BEACH, in reply, said, he had received from the deputy surveyors of Ireland such a statement as the hon. Member had mentioned. Their principal grievance seemed to be that the maximum limit of their salaries fixed by law was too low. He did not think it would be advisable to deal with the case of the deputy surveyors in the Bill now before the House, which related only to county surveyors; but unquestionably their case was one that might be considered in any Bill dealing generally with the position of county officers in Ireland.

## PARLIAMENT—ARRANGEMENT OF PUBLIC BUSINESS.—OBSERVATIONS.

MR. DISRAELI: Sir, some dissatisfaction was expressed last night in the House as to the state of Committee of Supply. I think it was a natural dissatisfaction, and I must say that the Government was as little satisfied with the matter as the House could be. We have, however, been controlled by cir-

cumstances which it is difficult to meet—and it has been the fate of Ministers generally at this time of the Session to find themselves in that position. I have, however, carefully considered the matter, and I will inform the House of the proposals I contemplate making in order to meet this evil and justify the expectations of the House. I propose that the next fortnight, with the exception of the two Mondays, shall be devoted to Supply. On Monday, the 28th, the second reading of the Employers and Workmen Bill will be taken; on Tuesday morning the Civil Service Estimates; on Thursday, July 1, the Education Vote; on Friday, July 2, the Civil Service Votes, and on the following Tuesday they will be continued. On Thursday, July 8, I propose to take the Navy Estimates. We shall thus be pretty well able to deal with the whole of these questions. I trust that the House will find these arrangements convenient, and I hope that they will therefore allow the Government to take the Votes on Account to-night which are absolutely necessary. I may not be in Order; but I will ask the permission of the House to make one other remark. There has been a complaint expressed on the part of the noble Lord the Leader of the Opposition (the Marquess of Hartington) that the Government has not announced the Bills they have introduced which they do not propose to carry forward. I think that the expectation of the House in that matter is perfectly justifiable, if that expectation is expressed at the right time; but, so far as I am informed, there is no precedent whatever for a Government coming forward and announcing the Bills they intend to relinquish in the month of June. I have before me Returns as to the conduct of the late Government in this matter. I find that in 1870 the announcement was made on July 18; in 1871, on July 17; in 1872, on July 15; in 1873, on July 7. This is still the month of June, and if I have not made any announcement of that character I have only acted in a manner that precedents justify. I have only to add—without exposing myself to the imputation of arrogant assumption—that those who are interested in the conduct of the Bills may be trusted as the best judges of the time when, and the manner in which, any announcement should be made to the House with respect to them.

## SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

## IRELAND—A ROYAL RESIDENCE IN IRELAND.

## MOTION FOR AN ADDRESS.

**MR. STACPOOLE:** Mr. Speaker—In moving the Address of which I have given Notice with reference to the establishment of a permanent Royal residence in Ireland as a measure of sound policy conducing to the advantage of the Crown and tending to promote universal satisfaction among the Irish people, I desire to bespeak the indulgence of the House, for I feel that in the task I have undertaken I will stand much in need of all the consideration and encouragement which my own observation, extending over a period of 15 years, satisfies me are never withheld from the humblest and least gifted of our Members. No one feels more conscious than I do of my own incapacity to present this question to the British Parliament as it ought to be presented; but nevertheless I think I should not allow my own shortcomings to stand in the way of an humble but earnest endeavour to obtain for the country to which I am proud to belong even a small modicum of that justice and fair dealing which, in my judgment, has, in this particular instance, been denied her. This question has been frequently before Parliament and discussed in the public journals. It is admitted on all hands that just ground of complaint exists in Ireland, by reason of the fact that in that portion of Her Majesty's dominions the Sovereign has no home, and I submit, considering the warm welcome which has always been accorded to the Monarch herself and to every Member of the Royal Family who have paid flying visits to the sister kingdom, such an anomalous and unprecedented state of things ought not to be allowed one hour's additional continuance. During the last 120 years, Royalty, I believe it will be found, has only spent 15 days in Ireland. Now, I ask, is there any special reason why the Crown should be an absentee? The Irish are naturally a loyal people, but it is hard to entertain great affection for persons you never see.

They know that the Queen remains for months among the Scotch mountains, or in the softer scenery of the Isle of Wight. It cannot escape their attention there is an Earl of Dublin who visits France, Germany, Denmark, Scotland, America, even India—every place, in fact, except Ireland. There is a Duke of Connaught who, I believe, never visited Connaught, and is consequently unacquainted with even so much as the personal appearance of that generous-hearted and chivalrous population. From the Revolution, with the exception of William the Third who went over to conquer, the only English Monarch that visited Ireland was George the Fourth, in 1820-21, and then for a quarter of a century the people of Ireland never saw their Monarch on Irish soil. The Queen has visited Ireland about three times in 38 years; but every year she goes to Scotland, and if she had done the same and gone over to Ireland, or even if some Members of her Family had gone there, remaining three or four months at a time, the country would have been much the better for it. Unless there be a Royal residence the Crown will always be an absentee, and the example set by the Crown is contagious. Let there be a Royal residence in Ireland, and it will become fashionable to resort to Ireland and to stop there, and absenteeism, from which Ireland suffers so much, will receive a heavy blow and great discouragement. Is it creditable to the genius of statesmanship that up to the present period of their lives the two foremost men who have taken such an advanced part in the legislative movements of the United Kingdom for the last half-century have never set their eyes on Ireland? The right hon. Gentleman the First Minister of the Crown has never been in Ireland, nor has the late Leader of the Opposition. Would this be the case if there was a Royal residence in Ireland? I ask the sanction of the House to my Motion not merely as an act of grace and kindly feeling, but as a matter of justice and fair dealing, and moreover I will urge my Resolution to a division, relying on the sense of honour which I know actuates British feeling, for I will undertake to prove from their own lips that the Leaders of Parties in this House stand pledged as solemnly as men can be to carry out in its entirety that which I advocate. Enormous sums of money have been spent in providing Royal

Palaces in England, but no such expenditure has been made in Ireland, notwithstanding the fact, as I maintain, that Ireland, in proportion to her means, contributes more to the National Exchequer. Having made these preliminary observations, I now, with the permission of the House, proceed to trace the history of the Royal residence question so far as the late and the present Parliaments are concerned, and having done so, I will ask this Legislative Assembly to declare whether I have not conclusively made out a case for this Royal Address, and whether, in their opinion, both the Chief Minister of the Crown and the late Prime Minister are not bound in honour, by reason of their past promises, to take the matter out of my hands and arrange the manner in which the permanent establishment of a Royal residence shall be forthwith a matter of fact. So long ago as the month of May, 1868, now more than seven years since, my right hon. and learned Friend the senior Member for Clare County (Sir Colman O'Loughlen), who has always manifested a patriotic interest in this great national question, brought forward a Motion similar in substance, though not identical in terms, to that which I now have the honour of asking the House to approve. At that time the present Prime Minister was at the head of the Government, with a following, however, by no means so numerous or so powerful as it may now be considered. On that occasion the right hon. Gentleman, in his blindest tones, distinctly held out a hope that at no distant period the expediency of establishing a residence for Royalty in Ireland would be specially recognized. What said the right hon. Gentleman in asking my right hon. Friend not to press his Motion to a division?

"There are many reasons upon which it is now unnecessary to dwell which would make it inconvenient, and not at all advantageous for the end which the hon. Baronet himself has in view, to compel an immediate Vote of this House. What has been said in the House on the subject to-day will, I am sure, not be forgotten. It is an expression of the feeling which animates very generally society and the whole country; and I trust the time may come when every portion of Her Majesty's dominions"—

England and Scotland being already bountifully favoured in this respect—

"will have the advantage of the presence of Her Majesty or some Member of the Royal Family. But, when alluding to the fact that

the visits of the Sovereign to Ireland have not been of very long duration, we must remember that of necessity they could not be lengthened visits. There was no Royal Residence, no Palace in which Royalty could take up anything like a permanent abode. I know"—continued the Premier, and to this admission I desire to direct the particular attention of the House—

"that this tells favourably for the view of the hon. Baronet; I am not using it as an argument against his views; but I think it right to refer to the point, inasmuch as the brevity of the Royal visits is sometimes mentioned as an indication of indifference and of want of sympathy with the country, whereas it has been the consequence of difficulties which could not be overcome. There are many circumstances to be considered in connection with this subject, but the wish expressed in the Motion of the hon. Baronet is founded on the best feelings of our nature. I am sure the desire it conveys is one in which the country sympathizes; and I hope the time will come when we shall see these views entirely fulfilled."

—[3 *Hansard*, cxcii. 360-61.]

Now, having regard to the position then as now occupied by the right hon. Gentleman, I ask, could there be a stronger admission that, in the matter of those Royal visits and the non-existence of a Royal residence, Ireland was treated with manifest injustice; and that, so far as the First Minister of the Crown could pledge his Government, there existed a determination to remove what was felt to be a long-existing and sorely-felt grievance? Both sides of the House were liberal in their approval of the Premier's words of hope and encouragement, and the satisfaction which his apparently frank and favourable promise afforded Members, without distinction of nationality, or political faith, or party loyalty was in no degree diminished when the right hon. Gentleman who then led the Opposition recommended the Motion to be withdrawn, expressing an opinion that the case had been fairly met by the right hon. Gentleman at the head of the Government. As I claim on this occasion, for reasons which he will not have forgotten—though they are neither recorded in print or in writing—the vote and the influence he still possesses with the Liberal Party, of the Chief who so often led his followers to brilliant victories, I may be permitted to reproduce the words he uttered on the occasion in question. The right hon. Gentleman the Member for Greenwich, in alluding to the Premier's recognition of that which the people of Ireland feel so acutely as an insult, said—

*Mr. Stacpoole*



"I do not think that more could have been expected from the right hon. Gentleman (Mr. Disraeli) than the acknowledgments which he has made; and, therefore, I wish to express my concurrence in the tone of his observations. At the same time, I feel strongly with my hon. Friend the Member for Clare, and without indicating the precise manner in which it can be done. . . . sympathizing as I do in the views of my hon. Friend, I may express the hope that some appropriate means may be found by which the personal relations between the Crown and the people of Ireland may be strengthened. I regard this as an object of public policy of no mean importance; but I think, after what has been said this evening, my hon. Friend would do well to comply with the recommendation of the right hon. Gentleman at the head of the Government."—[*Ibid.* 361.]

Yet in the face of those declarations by two eminent statesmen, both Advisers of the Crown, and both, it is to be assumed, deserving the confidence of their Sovereign, nothing has been done to strengthen the personal relations between the Crown and the people of Ireland; but, on the contrary, Royalty continues, as it were, to shun the Irish soil, and the leading statesmen of the day embrace each other in united efforts for forging coercive fetters to repress the liberties of a gallant, sensitive, and loyally devoted people. Well, Sir, the Motion was withdrawn in deference to the wish of the Premier, and in complete confidence that the promise given by the Premier, and to all intents and purposes endorsed by the then Leader of the Opposition, would be carried into practical operation. A change of Government took place. Nothing was heard of the matter in Parliament until July, 1870, when I asked a Question on the subject and received an answer which was far from satisfactory. In February, 1871, I again reminded the Prime Minister of the importance of dealing with the question, and he then was good enough to say that—

"That is a question which has been for some time in the view of Her Majesty's Government; but I am not in a condition, at the present moment, to make a positive announcement respecting it to my hon. Friend."—[3 *Hansard*, civ. 491.]

In July of the same year I again pressed for some definite information, asking the right hon. Gentleman the Member for Greenwich whether, in accordance with his conditional promise given on the 19th of June, and in the state of Public Business, it was the intention of the Government to deal with the subject of establishing a Royal residence in Ireland,

with regard to which I then had a Motion on the Notice Paper. If the House will permit me, I should like to read the right hon. Gentleman's reply. He said—

"The important question to which his hon. Friend had more than once called attention, was first raised in recent times by the right hon. and learned Baronet the Member for Clare (Sir Colman O'Loughlen), in 1868, when the right hon. Gentleman opposite (Mr. Disraeli), then in office, stated that it was a proper subject for consideration, and he looked forward to the time when some measure on the subject might be adopted, and when some means would be found by which the personal feelings of attachment between the people of Ireland and the Crown might be strengthened. He fully agreed with the right hon. Gentleman on the expediency of dealing with this matter in a substantive manner, and since the present Government came into office it had not escaped their attention; but they thought the time had not yet completely come for them to arrive at a practical conclusion. As recently as within the last few months they had had the matter before them, and had taken into view the various alternative methods by which it would be possible to proceed. They had also to consider the novelty of the question, and the duty of bringing it before Parliament, whenever it was brought forward under circumstances most likely to ensure a favourable and full consideration . . . but they did look at it with a practical view, and it was their intention to take the earliest future opportunity of bringing the subject under the notice of Parliament which the state of public business might permit. He expressed a hope that his hon. Friend, who had given Notice of a Motion relative to this question for to-morrow night, would not bring forward the Motion, for it was evident that, if this matter was to be satisfactorily dealt with, so that whatever step was adopted might have that gracious aspect which all would wish, it would be far better in the public interest that it should not be anticipated by a discussion in that House, raised at the instance of an independent Member."—[3 *Hansard*, ccvii. 1341.]

I need hardly inform the House after what fell from the right hon. Gentleman's lips when he was in the cold shade of Opposition, in May, 1868, I experienced considerable disappointment at the vacillating nature of this diplomatic bit of fencing; so as soon as the right hon. Gentleman resumed his seat, I gave Notice that if the Government did not bring forward the question early in the Session of 1872 I should myself take action in the matter. In that Session, on no less than four different occasions was the matter pressed on the attention of the Government. So early as the 15th of February the First Lord of the Treasury was asked by me, whether Her Majesty's Government had come to any determination in reference to the Royal residence establishment in Ireland, and,

if so, when he would be prepared to state their views on the subject? The right hon. Gentleman's reply was remarkable. In answer to my Question he said—

"When my hon. Friend put this Question to me at a late period of last Session, I made a reply, with the full expectation that at the opening, or at the early part of the present Session, I should be able to announce to him definitely the intentions of the Government; but circumstances during the winter, with which he and the whole House, and the public are acquainted, which were entirely beyond our control, have made it impossible for us to achieve that progress which we hoped for in the consideration of this matter. The subject, however, still occupies our attention, and we look forward to a period when we may be able to make known our conclusions with reference to it."—[3 *Hansard*, cclix. 487.]

So far so good—at least, so far as Parliamentary utterances from Ministerial lips are concerned. The last week in April had arrived, and nothing was made known. Expectations were raised in the minds of the Irish people, but not a particle of proof came to the surface to justify belief in the *bona fides* of Ministerial promises. So, impelled by pressure from without, and acting on the suggestion of several English Representatives, I again pressed the Government for an immediate and definite declaration of their intentions. The right hon. Gentleman still remained at the helm of political affairs, and on him devolved the duty of replying to my Question. His answer was this—

"I readily acknowledge the zeal of my hon. Friend upon this question; and if there were any risk of the Government forgetting its duty, I am sensible, that by his agitation, we should be reminded of it. Notwithstanding, I have no decision to announce to my hon. Friend at the present time. I will repeat the assurance I gave him on a former day that, when the Government is prepared to announce its decision on this subject, I will not wait for the opportunity afforded by a Question for the purpose of making it known. I will venture to remind my hon. Friend that this is not like an administrative question lying within the province of a department, but is one that involves large considerations; and events of importance have happened within the last six or eight months which have thrown difficulties in the way of securing for it that consideration which it was otherwise our intention to have given it."—[3 *Hansard*, cex. 1678.]

So matters remained until the Session seemed about to come to a close; and, on the 1st of July, as well as on the 18th of July, Ministers were reminded of their apathy and shortcomings in regard to this Royal residence question; but the old stereotyped reply was all

that could be extracted from the First Lord of the period. "He had no communication to make, and no explanation to offer." The Session of 1873 was allowed to pass over in the expectation that the Government, of its own action, and in the face of rapidly declining popularity everywhere—but more especially in Ireland—would announce that all arrangements had been made for providing a suitable residence in Ireland for whatever Members of the Royal Family might desire to visit the sister country annually. But it was a vain hope and delusive expectation—Parliament met, sat for six months, and was prorogued without the slightest reference being made to the solemn undertaking of the past. We all know what occurred in the early part of 1874. The right hon. Gentleman opposite availed himself of the opportunity afforded by his Predecessors in office to strengthen his forces, and he once more assumed the reins of power. When he had comfortably settled down on the Ministerial Bench, an English Representative (Sir Eardley Wilmot) asked him—

"Whether, having regard to the often-expressed wishes of the people of Ireland, Her Majesty's Government would consider the expediency of establishing a Royal Residence there, with suitable provision for its maintenance, for the purpose of encouraging occasional visits of Members of the Royal Family to that portion of the United Kingdom?"

All that the right hon. Gentleman, in strange contrast to his unaffected utterance of 1868, vouchsafed in reply, was—

"I am very much in favour of Royal residences, particularly when they are inhabited; and the great interest I take in Ireland would make me much rejoice if there were Royal residences in that country inhabited by members of the Royal Family."—[3 *Hansard*, cccxi. 625.]

I trust the Government will consider the question favourably, and will assent to the Motion which I have submitted to the House. I wish to see a Royal residence in Ireland for the Queen to go to, and that it should be occupied by Her Majesty, or some Member of the Royal Family. I am sure that that would lead to an increase of loyalty in that country. I thank the House for the attention which has been extended to me, and beg to move the Resolution of which I have given Notice.

MR. HANKEY, in seconding the Motion, said, he did so because English Members were as deeply interested as

the Irish Representatives in proposals which would tend to make the interests of the two countries identical. As to the particular Motion now before the House, it afforded him pleasure to second it, because he believed it would be a stepping-stone to the abolition of the office of Lord Lieutenant of Ireland. He was old enough to remember the time when this latter question was brought forward in the House of Commons by Lord John Russell, with whom he voted; and he might remark that the arguments then adduced might be urged with still greater effect at the present moment. Archbishop Whately said that if one thing tended more than another to diminish loyal feelings in Ireland, it was the existence of the Lord Lieutenancy, as the people could not possibly be so loyal to a mere political Representative of the Government as they would be to their own Sovereign. He (Mr. Hankey) thought that the people of Ireland had a right to be governed exactly on the same principles as the people of England. He hoped the Government would consider the Motion favourably. Visits of Royalty to Ireland had been few and far between, and any arrangement which would render them more frequent ought to have the hearty support of hon. Members on both sides of the House. In his opinion, if the Queen occasionally visited that portion of her dominions the effect would be to make the people more loyal, for there could be no doubt that the Irish as a nation were essentially loyal, and were only too happy to have an opportunity of testifying their regard for Royalty.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, humbly representing to Her Majesty that it would conduce to the advantage of the Crown and tend to promote universal satisfaction in Ireland if Her Majesty had a permanent residence in that country, and that this House, feeling deeply its importance, will cordially co-operate with Her Majesty in any steps She may be graciously pleased to take to carry out so desirable an object,"—(Mr. Stacpoole,)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. M'CARTHY DOWNING said, the abolition of the office of Lord Lieutenant was not a question to be debated

on that occasion, neither was the loyalty of the Irish people in question. The Queen had been twice in Ireland, and her own description of the manner in which the people received her—and which he (Mr. M'Carthy Downing) had witnessed—was that it was most enthusiastic, and therefore he need not discuss that question. The people of Ireland were thoroughly loyal, and always glad to see any Member of the Royal Family. The Prince and Princess of Wales had experienced a very warm reception when they visited the country—upon that point there was no doubt; but what he rose to say was, that he regretted that his hon. and gallant Friend the Member for Ennis had, without consulting the Irish Members, brought forward that Motion in such a shape as might appear to commit them to what might appear a solicitation to the Queen to come and establish a Royal residence in Ireland. He was not aware that the people of Scotland had ever interfered in such a matter, which was more a question of Her Majesty's pleasure than anything else. The Queen ought to have the same liberty as any of her subjects, and select a residence for herself. There was no Parliamentary interference; and, as an Irish Member, he strongly protested against any pressure whatever being put upon either the Queen or any Member of the Royal Family to come and fix their residence, for however brief a period, in Ireland. Whenever they did so they would be most gladly received, and he did not doubt that many benefits to Ireland would arise from such visits and such occasional residence. They would tend to keep in Ireland many absentees, and encourage expenditure, especially in the capital; but he did not approve of the mode in which these objects were proposed to be attained. Therefore, although it was rather a dangerous thing for an Irish Member to speak on behalf of his Colleagues, he would say that the Motion of the hon. and gallant Gentleman was one they could not support. If the Queen or any Member of the Royal Family chose to go to Ireland to visit the cottages of the peasantry, to distribute books and presents, as was done in Scotland, no doubt it would promote the spirit of union and a feeling of satisfaction; but do not let it be supposed that it would induce the people to give up their determination to obtain Home Rule. If there were a



if so, when he would be prepared to state their views on the subject? The right hon. Gentleman's reply was remarkable. In answer to my Question he said—

"When my hon. Friend put this Question to me at a late period of last Session, I made a reply, with the full expectation that at the opening, or at the early part of the present Session, I should be able to announce to him definitely the intentions of the Government; but circumstances during the winter, with which he and the whole House, and the public are acquainted, which were entirely beyond our control, have made it impossible for us to achieve that progress which we hoped for in the consideration of this matter. The subject, however, still occupies our attention, and we look forward to a period when we may be able to make known our conclusions with reference to it."—[3 *Hansard*, ccix. 467.]

So far so good—at least, so far as Parliamentary utterances from Ministerial lips are concerned. The last week in April had arrived, and nothing was made known. Expectations were raised in the minds of the Irish people, but not a particle of proof came to the surface to justify belief in the *bona fides* of Ministerial promises. So, impelled by pressure from without, and acting on the suggestion of several English Representatives, I again pressed the Government for an immediate and definite declaration of their intentions. The right hon. Gentleman still remained at the helm of political affairs, and on him devolved the duty of replying to my Question. His answer was this—

"I readily acknowledge the zeal of my hon. Friend upon this question; and if there were any risk of the Government forgetting its duty, I am sensible, that by his agitation, we should be reminded of it. Notwithstanding, I have no decision to announce to my hon. Friend at the present time. I will repeat the assurance I gave him on a former day that, when the Government is prepared to announce its decision on this subject, I will not wait for the opportunity afforded by a Question for the purpose of making it known. I will venture to remind my hon. Friend that this is not like an administrative question lying within the province of a department, but is one that involves large considerations; and events of importance have happened within the last six or eight months which have thrown difficulties in the way of securing for it that consideration which it was otherwise our intention to have given it."—[3 *Hansard*, cex. 1678.]

So matters remained until the Session seemed about to come to a close; and, on the 1st of July, as well as on the 18th of July, Ministers were reminded of their apathy and shortcomings in regard to this Royal residence question; but the old stereotyped reply was all

that could be extracted from the First Lord of the period. "He had no communication to make, and no explanation to offer." The Session of 1873 was allowed to pass over in the expectation that the Government, of its own action, and in the face of rapidly declining popularity everywhere—but more especially in Ireland—would announce that all arrangements had been made for providing a suitable residence in Ireland for whatever Members of the Royal Family might desire to visit the sister country annually. But it was a vain hope and delusive expectation—Parliament met, sat for six months, and was prorogued without the slightest reference being made to the solemn undertaking of the past. We all know what occurred in the early part of 1874. The right hon. Gentleman opposite availed himself of the opportunity afforded by his Predecessors in office to strengthen his forces, and he once more assumed the reins of power. When he had comfortably settled down on the Ministerial Bench, an English Representative (Sir Eardley Wilmot) asked him—

"Whether, having regard to the often-expressed wishes of the people of Ireland, Her Majesty's Government would consider the expediency of establishing a Royal Residence there, with suitable provision for its maintenance, for the purpose of encouraging occasional visits of Members of the Royal Family to that portion of the United Kingdom?"

All that the right hon. Gentleman, in strange contrast to his unaffected utterance of 1868, vouchsafed in reply, was—

"I am very much in favour of Royal residences, particularly when they are inhabited; and the great interest I take in Ireland would make me much rejoice if there were Royal residences in that country inhabited by members of the Royal Family."—[3 *Hansard*, ccxi. 626.]

I trust the Government will consider the question favourably, and will assent to the Motion which I have submitted to the House. I wish to see a Royal residence in Ireland for the Queen to go to, and that it should be occupied by Her Majesty, or some Member of the Royal Family. I am sure that that would lead to an increase of loyalty in that country. I thank the House for the attention which has been extended to me, and beg to move the Resolution of which I have given Notice.

Mr. HANKEY, in seconding the Motion, said, he did so because English Members were as deeply interested as

the Irish Representatives in proposals which would tend to make the interests of the two countries identical. As to the particular Motion now before the House, it afforded him pleasure to second it, because he believed it would be a stepping-stone to the abolition of the office of Lord Lieutenant of Ireland. He was old enough to remember the time when this latter question was brought forward in the House of Commons by Lord John Russell, with whom he voted; and he might remark that the arguments then adduced might be urged with still greater effect at the present moment. Archbishop Whately said that if one thing tended more than another to diminish loyal feelings in Ireland, it was the existence of the Lord Lieutenancy, as the people could not possibly be so loyal to a mere political Representative of the Government as they would be to their own Sovereign. He (Mr. Hankey) thought that the people of Ireland had a right to be governed exactly on the same principles as the people of England. He hoped the Government would consider the Motion favourably. Visits of Royalty to Ireland had been few and far between, and any arrangement which would render them more frequent ought to have the hearty support of hon. Members on both sides of the House. In his opinion, if the Queen occasionally visited that portion of her dominions the effect would be to make the people more loyal, for there could be no doubt that the Irish as a nation were essentially loyal, and were only too happy to have an opportunity of testifying their regard for Royalty.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "an humble Address be presented to Her Majesty, humbly representing to Her Majesty that it would conduce to the advantage of the Crown and tend to promote universal satisfaction in Ireland if Her Majesty had a permanent residence in that country, and that this House, feeling deeply its importance, will cordially co-operate with Her Majesty in any steps She may be graciously pleased to take to carry out so desirable an object,"—(Mr. Stacpoole.)

—instead thereof.

Question proposed, "That the words need to be left out stand part of the motion."

**M<sup>C</sup>CARTHY DOWNING** said, the abolition of the office of Lord Lieutenant was not a question to be debated

on that occasion, neither was the loyalty of the Irish people in question. The Queen had been twice in Ireland, and her own description of the manner in which the people received her—and which he (Mr. M<sup>C</sup>Carthy Downing) had witnessed—was that it was most enthusiastic, and therefore he need not discuss that question. The people of Ireland were thoroughly loyal, and always glad to see any Member of the Royal Family. The Prince and Princess of Wales had experienced a very warm reception when they visited the country—upon that point there was no doubt; but what he rose to say was, that he regretted that his hon. and gallant Friend the Member for Ennis had, without consulting the Irish Members, brought forward that Motion in such a shape as might appear to commit them to what might appear a solicitation to the Queen to come and establish a Royal residence in Ireland. He was not aware that the people of Scotland had ever interfered in such a matter, which was more a question of Her Majesty's pleasure than anything else. The Queen ought to have the same liberty as any of her subjects, and select a residence for herself. There was no Parliamentary interference; and, as an Irish Member, he strongly protested against any pressure whatever being put upon either the Queen or any Member of the Royal Family to come and fix their residence, for however brief a period, in Ireland. Whenever they did so they would be most gladly received, and he did not doubt that many benefits to Ireland would arise from such visits and such occasional residence. They would tend to keep in Ireland many absentees, and encourage expenditure, especially in the capital; but he did not approve of the mode in which these objects were proposed to be attained. Therefore, although it was rather a dangerous thing for an Irish Member to speak on behalf of his Colleagues, he would say that the Motion of the hon. and gallant Gentleman was one they could not support. If the Queen or any Member of the Royal Family chose to go to Ireland to visit the cottages of the peasantry, to distribute books and presents, as was done in Scotland, no doubt it would promote the spirit of union and a feeling of satisfaction; but do not let it be supposed that it would induce the people to give up their determination to obtain Home Rule. If there were a



Royal Prince there to guide the councils of Irishmen, that would be an additional reason why they should demand a Parliament to manage their own affairs. He merely rose to say that as Representative of the county of Cork, he had nothing whatever to do with the bringing forward of the Motion. A similar Motion had been brought forward by an hon. Baronet, who withdrew it; and he hoped the hon. and gallant Member would take a similar course, and not force Irish Members who held views like his own to vote against the Motion, which might lead to misconceptions on the subject.

MR. VANCE said, he wished to point out that the late Prime Minister, who for one or two Sessions kept up the delusion on this question, at length said, in reply to the hon. and gallant Member opposite, that he had nothing whatever to communicate to him on the subject. That was the last reply the hon. and gallant Member had received, but he had not read that statement to the House. No Member of the Government or *ex officio* Member had thought proper to introduce this subject, but the hon. and gallant Member rushed in where angels feared to tread. Neither was the Motion concurred in by many of the old Irish Members, who, like himself, had been in the House for 20 years. No doubt, the Irish people were very anxious, and would be very glad, to see the Queen and any Member of the Royal Family as often as possible in Ireland; but there was not the slightest desire to put any compulsion upon them. It was the duty of the Minister of the Crown to advise Her Majesty on the subject, if he thought proper; and he certainly deprecated any interference on the part of Parliament. He did not think it would tend to promote the object they all had in view if the Minister was placed in a minority on this question, which had been, he regretted to say, unnecessarily complicated by the statements of the hon. Member for Peterborough (Mr. Hankey). He did not think anything would be more fatal to the interests of Ireland than the withdrawal of the Lord Lieutenant. They must have a central authority in Ireland; it was suggested they should have a Secretary of State, but he could not be in Ireland more than three months of the year, and he would necessarily be a Party man. The Lord Chancellor, again, was appointed by a

Party, and was usually a strong partizan. On the other hand, the Lords Lieutenant, though appointed by the Party in power for the time being, had never during their tenure of office been Party men, and had dispensed a splendid hospitality without any distinction, which had done and was doing much to maintain the capital of Ireland in the position it now occupied. Reference had been made to Scotland, but Scotland and Ireland were differently situated. There was a raging sea between Ireland and England. Enormous injury had been done to the metropolis of Ireland by the Union; but still greater injuries would be done by the withdrawal of the Lord Lieutenancy. He trusted the hon. and gallant Member would withdraw his Motion, for if it was pressed, he (Mr. Vance) must oppose it.

MR. SULLIVAN said, he also hoped the hon. and gallant Member for Ennis would withdraw the Motion, seeing that to press it would hardly be consistent with the dignity of the Crown, or the dignity of the Irish nation. [Mr. STACPOOLE: Certainly not.] When the Sovereign of this country evidenced in even the slightest manner a desire to reside sometimes among her Irish subjects, he much mistook the temper of his countrymen if, burying in oblivion a great deal that might be unpleasant, they did not show it to be true that every Irishman was a born gentleman, and that on such an occasion they could demean themselves in a manner thoroughly respectful towards the Sovereign. There were three parties in Ireland on this question. There were men who made a great noise in one or two of the Irish daily newspapers about the necessity of a Royal residence in Ireland, and who urged his hon. and gallant Friend to press the Queen, and to give her a strong hint that she would be failing in her duty to Ireland if she did not come and reside among the Irish people whether she wished it or not. That was not the opinion of the Irish people. They would be glad to see the Queen, but they would not throw themselves prostrate in the dust at her feet. It was said in Dublin society that the fashionable mode for an Irish Nobleman to adopt who wished to sell his mansion was to get a paragraph inserted in the Irish newspapers to the effect that it was "rumoured" that such and such a property was "about to be purchased by the Prince of Wales."

*Mr. M'Carthy Downing*



These people represented to Englishmen that if the Queen were to come and reside in Ireland for a fortnight no more would be heard about Home Rule nor about any other question. Nonsense; let not that House be deluded by the cackling noise of a little clique. The coming of the Queen to Ireland would not have the slightest effect upon those subjects. There was another party in Ireland who would complain of any word being said here expressive of a desire to receive the Queen respectfully. Those were what he called the "victims of the politics of despair," and they would say—"Oh, no, we do not want the Queen. It is wrong of any Irish Member to tell the House of Commons that the Queen would be received with respect in Ireland." Between these two extremes lay the mass of the Irish nation, and that mass was loyal, being influenced not in the sense of what was sometimes called in Ireland "flunkeyism," but in the sense of what might be described as the loyalty of duty, if not by that sentimental loyalty which he himself was weak enough sometimes to admire. When a few years ago the Queen was absent for a year or two from ceremonies in London he blushed at reading some of the articles written in English newspapers upon the topic. Although he made no extravagant professions of loyalty, he felt if the Sovereign so retired, from feelings which might have commanded the sympathy of every family in the kingdom, it ill became the "shopocracy" of London to mutter discontent, and almost to show disloyalty to the Throne. That feeling never would be found to prevail in Ireland. There was in Ireland a sentiment of loyalty ready at any moment to be warmed up into feelings of a still stronger character. Unhappily, in times past the dynasty had been mixed up with the cause of faction in Ireland. The character of William III. was now being understood there. He was a brave soldier and a tolerant man, though his name had been long used in Ireland for party purposes. He was ashamed of his countrymen when George IV. went to Ireland, and when he was met, as Byron said, "by a legion of cooks and an army of slaves." The Queen had been two or three times in Ireland, and no attempt upon her life had been made there, although in England there had been several such attempts. He hoped when next the Queen visited Ireland it would

be for the purpose of opening the Irish Parliament. Until then he deprecated Motions like the present one, for it was not seemly that Her Majesty should receive a hint from an Irish Member or from the House of Commons as to where she should reside. He would only say if she came among her Irish subjects at such a time, she would be received with a "*Cead mille a faihle.*"

MR. BUTT said, if his hon. and gallant Friend persevered with the Motion he should certainly vote for the Speaker leaving the Chair, which he would consider simply as the Previous Question with reference to the Resolution. He (Mr. Butt) opposed it on the same grounds as had been pointed out by several of his hon. Friends. He wished to remark that the question of the abolition of the Lord Lieutenantcy had no connection with the Motion. As he read the Motion, it was for an Address to the Queen not to come to live in Ireland, but to have a residence there; and regarding that point, he shared a good deal in what had been said by the hon. Member for Louth. He did not think either as Members of that House or as Irishmen they ought to solicit Her Majesty to live in any particular place. Of course, he would have been very glad if the Queen had become familiar with the beautiful scenery of Ireland instead of with that of Scotland, and he was sure that had she done so, she would have acquired the same esteem and affection which she had acquired in Scotland. But the whole value of such a residence would be found in the spontaneous action of Royalty itself. If it was the result of urgent solicitation or Party pressure the whole of its virtue, grace, and value would disappear. Why he was unwilling to vote for the Motion was because he thought a great deal of nonsense had been talked on this subject of a Royal residence in Ireland. That any Royal residence could correct the evils of which Irishmen complained was a mere delusion. There was such a thing as "a craze," and he hoped he should not be considered offensive if he said that his hon. and gallant Friend had a craze on the subject. Irishmen would be happy to see any Member of the Royal Family. None of the Royal Family who had ever visited Ireland had had any reason to complain, and whenever they visited Ireland again they would be received with respect, and he hoped with a certain

amount of enthusiasm. But he would be sorry to vote for the Motion, lest it should be taken to imply that what it proposed would be a cure for the evils of Ireland, or lest it might exercise any constraint on Her Majesty's feelings.

MR. DISRAELI: This question, Sir, has been dealt with in so admirable a manner by the Irish Members whom we have listened to, that I really thought it was unnecessary for me to trouble you, because I can only repeat the sentiments which I have before expressed on this subject. By the Motion Parliament is called upon to express an opinion that Her Majesty or some other Member of her Family should take up a residence in Ireland, thereby performing an act the whole grace of which would be lost if the act itself were not spontaneous. No doubt it would be a matter of congratulation if there were a spontaneous feeling of this kind on the part of Her Majesty, and I am sure this House would respond in a becoming manner to a sentiment so refined and exalted. The Government of the day, whether represented by myself or by those who preceded me, have not neglected this business as the hon. and gallant Gentleman has supposed. We have given a due consideration to it; it is a subject of a complicated nature, and is not to be precipitated by a vote in Parliament. I think the matter has been placed before the House, by the hon. Member for Louth (Mr. Sullivan) especially, in its true colours, and all the circumstances connected with it have been laid before us with an accuracy, truth, and propriety to which I believe the House responded. I think, therefore, the hon. and gallant Gentleman who brought forward the Motion will feel, as was felt by those who have considered it their duty to submit such views to Parliament before, that it would be more becoming and discreet on his part not to force the opinion of the House on the matter. Indeed, I should be very sorry that there should be apparently a great majority voting as, it would be represented, against the residence of Her Majesty in Ireland. Such a vote might be entirely misunderstood. Instead of there being, as there is, universally in this House a proper feeling on the subject, a feeling that such a matter ought to be left to the spontaneous sentiment of the Royal Family, the vote would be misunderstood and misrepresented abroad, and it

would appear as if there were dissensions on a matter upon which there is no difference of opinion. With respect to the remarks made by the hon. Member for Peterborough (Mr. Hankey), that hon. Gentleman has called upon us to consider the whole question of the Lord Lieutenancy. I protest against the introduction of that subject, and I question its discretion. I think it was entirely unnecessary. It introduced an element which mars the otherwise simple proposition before us. If the hon. Member for Peterborough really thinks that the institution of Lord Lieutenant is so injurious, let him bring the question before the consideration of Parliament. I shall be prepared to express the opinion of the Government upon it, and the opinion of the House may be legitimately taken on the subject. But on a question of this description no division ought to be taken. The sentiment is universal. It reflects credit on the loyalty and delicacy of feeling of the House, and I must protest against the Motion being pressed to a division.

DR. KENEALY said, he sincerely hoped that the hon. and gallant Member for Ennis would persist in going to a division, because he (Dr. Kenealy) wanted the true friends of the Irish people to be known; and, if not, he should look forward to an almost universal sentiment existing amongst the Irish people, that there was a great deal of sham in that House, and of blarneying going on at their expense. He was astonished that any Irish Representatives should speak against Her Majesty's residing in Ireland, or that any of them should sneer at a question of that kind, which entered so deeply into the feelings of the Irish nation. He wanted to see Ireland treated as an integral part of the Empire, and for Her Majesty to reside amongst her Irish people as she did amongst her English and Scotch people. The Irish were essentially monarchical, and when Her Majesty visited Ireland she was received with enthusiasm and loyalty. He could understand traders in sedition, persons deriving a guilty livelihood from moving the people of Ireland to sedition and disloyalty because Her Majesty did not reside there, fomenters of discord and abettors of murder, who thrived on their guilty acts—he could understand these, when speaking and voting against the Motion, but he could not understand

*Mr. Butt*



how any one who wished to cement harmony and union between the two countries could do so. Her Majesty did not live or govern in this country for her own pleasure and amusement alone. She was a great public officer, who ought to live for the universal benefit of the people, and not selfishly and simply to consult her own gratification and pleasure in life. Everyone wished to consult the convenience and pleasure of the Sovereign, and there was no disaffection or disloyalty in expressing a hope that she would reside a portion of the year amongst her Irish people. On former occasions both the right hon. Gentleman opposite (Mr. Disraeli) and the right hon. Gentleman the Member for Greenwich promised to entertain similar proposals, but now the right hon. Gentleman who was called the head of the Government, simply, perhaps, because the other Members of the Government were nothing but tails, or something of that kind, did not give the slightest hope that the wishes of the people in this respect would be realized. The right hon. Gentleman the Prime Minister had said there was no Royal residences in Ireland; but if he had been in that country he would have known there was one in the Phoenix Park perfectly well fitted for the accommodation and the residence of Her Majesty. He ought to go to Ireland and learn something of it, but he (Dr. Kenealy) supposed he was afraid to cross that "melancholy ocean," of which he had so plaintively written.

THE MARQUESS OF HARTINGTON: I think, Sir, the hon. Member who has just spoken has somewhat misrepresented the character of the speeches which have been delivered on the subject. I have not heard any hon. Member rise to object, as he seems to think, to the idea of a Royal residence in Ireland. The only question on which there has been any difference of opinion between my hon. and gallant Friend who made the Motion and the hon. Members who subsequently addressed the House has been as to the degree in which it is consistent either with the dignity of Her Majesty or this House to press the subject on Her Majesty's consideration. I believe my hon. and gallant Friend entertains very strong views on this subject, and I do not know that it would be of any use for me to add my opinion to that which he has already received not to

press his Motion to a division. I think if he does so he will by no means advance the object—a very laudable one—which he has in view; while if he refrains from so pressing it, he will have done good service in calling the attention of the Government to the matter; for it must not be assumed, as I think it might be possibly assumed, from the speeches made, possibly even from the speech of the right hon. Gentleman the Leader of the House, that this is a matter which can be settled entirely and solely by Her Majesty and the Royal Family. It must not be assumed by hon. Members that there is any unwillingness on the part of Her Majesty and the Royal Family to visit Ireland more frequently than they do now; but, as the right hon. Gentleman has stated, the subject is rather a complicated one, and it is not so easy as it might appear at first sight to make all the arrangements which would be necessary for the provision of a suitable residence for Her Majesty in Ireland. My hon. Friend the Member for Peterborough (Mr. Hankey) has been taken to task for introducing the question of the Lord Lieutenancy. Now, I quite concur that it would not be desirable that the debate should wander into a discussion of the arguments for retaining or abolishing the Lord Lieutenancy; but I may at the same time say that the two questions are to a certain extent connected, and that one of the difficulties in reference to the more frequent visits of the Royal Family to Ireland is undoubtedly associated with the permanent residence there of a Representative of Her Majesty. What has been said in this debate, especially by those representing Irish constituencies, will, I am sure, be highly satisfactory to Her Majesty and the Royal Family. There never could have been any doubt that Her Majesty or any of her Family would, whenever they might visit Ireland, receive a welcome as loyal and respectful as in any other part of Her Majesty's dominions. And I feel the assurance may also be given that presuming there would be no unwillingness on the part of Her Majesty, whenever the Government, to whatever side of the House they may belong, are in a position to make any proposition to Parliament, this House will not be unwilling to entertain it in the most liberal spirit. But what I



would venture to urge my hon. and gallant Friend to consider is this—that all that can be done is to press the subject on the attention of the Government. It is a question which the House cannot settle itself. It must wait till a proposition is made to it by the Government. I can assure him that the subject was not lost sight of by the late Government. Difficulties were found in the way; and it would appear those difficulties have not been removed, as I find Her Majesty's present Advisers have not been able to make any recommendation to the House. I can only repeat the assurance I have already given, that whenever they are in a condition to make any proposition to the House it will be received with satisfaction on all sides.

Mr. STACPOOLE said, that after the expressions which had fallen from the head of the Government, and in the hope that the subject would be dealt with next Session, he would withdraw his Motion. He would say, however, that he was not to be pooh-poohed by any hon. Member in doing what he considered right. If the Government did not take the matter up early next Session, he would bring the question before the House again.

Amendment, by leave, *withdrawn*.

#### INDIA AND CHINA—THE OPIUM TRAFFIC.—RESOLUTION.

Mr. MARK STEWART,\* in rising to call attention to the evidence given before the East India Finance Committee, 1871, with reference to the Opium Traffic; and to move—

“That this House is of opinion that the Imperial policy regulating the Opium traffic between India and China should be carefully considered by Her Majesty's Government with a view to the gradual withdrawal of the Government of India from the cultivation and manufacture of Opium,”

said, that the subject was so wide in its scope, so comprehensive in its grasp, and so important in its many bearings on our Eastern interests and possessions, that he wished the cause had got a better advocate than himself. He was well aware how comparatively uninteresting questions relating to foreign politics were to many hon. Members; but when a question of this magnitude came before the House, which affected the the misery or the happiness of millions, it not only deserved, but de-

manded the most serious attention. It should be borne in mind that in proportion to the greatness and glory reflected on Great Britain by her Eastern Empire, a corresponding amount of responsibility was incurred. Personally, he had nothing to gain by raising this discussion, nor, as far he knew, were any of his constituents interested in it beyond sharing the feeling that this Opium Traffic had been productive of great evil; that what was morally wrong could never be politically right; and that if it was possible in these later days for the Government to withdraw from a hateful monopoly, to revise our Treaty rights, or to regulate and restrict the trade, it was the duty of the Government to take a wise and statesmanlike course for the purpose of securing the end in view. Happily this was not a Party question, and he could therefore reasonably look for support to both sides of the House. He had to thank his noble Friend the Under Secretary of State for India for having assisted him in his search for Papers, and for having laid on the Table of the House some arcana of the India Office. A long time had elapsed since there had been a discussion in this House on the opium question. Except the Motion of the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) in 1870, which was preceded by the discussion on Lord Ashley's in 1843, the question had not been brought before the House for a long time. He should endeavour in the remarks he was about to make to draw the attention of the House to what he considered to be the blot in the present system—namely, the Government monopoly in India. In doing so, it would be necessary not only to draw attention to the present aspect of affairs, but to review briefly the history of the past, in order rightly to understand this particular question. Before the year 1773 the only opium imported into China came from the hands of the Portuguese. In that year the East India Company, possessing very little knowledge of China, entered slightly on this trade. Overtures to extend our general mercantile transactions were made by Lord Macartney in 1798, and by Lord Amherst, in 1816. They were, however, courteously received, and as discourteously dismissed. Our intercourse had not been of a beneficial, but of a very unpromising character in its moral and social

consequences. The Celestial Empire was capable of producing everything in itself. It possessed great variety of climate, and a hardy, frugal, and industrious population, who were, for Orientals, in a high state of civilization. In 1833 the exclusive commercial privileges of the East India Company ceased, and the trade of Canton was thrown open. The provincial authorities declined to treat with Lord Napier, the political agent of the British Government, and would only carry on negotiations through the Hong merchants, a body of privileged traders. Accordingly all communication was suspended with the British envoy. Hostilities were forthwith commenced; Lord Napier ordered the Chinese ships to be fired upon, and was compelled to retire. Shortly afterwards, his death at Macao resulted in the appointment of Sir George Robinson, who took up his residence at Lintin Island, at the mouth of the Canton River. During his period of office a great smuggling trade was carried on, but his policy was very unacceptable to the British merchants. He would not (as ordered by the Home Government) insist that all trade transactions should come under the superintendence of the political agent, because, now that the trade was thrown open, such an agent would have so little control (as compared with the supercargo of the East India Company) over the ships employed. Consequently, in 1836, he was succeeded by Captain Elliott as Chief Superintendent of Trade. And now let the House observe the rapid increase of the opium trade. The quantity of opium smuggled into China in 1800 was 4,570 chests; in 1824, 12,023 chests; and in 1834, 23,902 chests, representing in value £1,111,038. Nine-tenths of this unlawful trade was carried on by foreign merchants. With regard to the statements that the Chinese Government connived at the trade, the edicts which had from time to time—1800 to 1870—been issued would prove that they tried, but in vain, to suppress it. In 1830 the Emperor issued an edict declaring that—

“The injury done by the influx of opium, and by the increase of those who inhale it, is nearly equal to that of a conflagration, and that the waste of property and the hurt done to human beings is every day greater than the preceding.”

In 1832, Le, Governor of Canton, issued a stringent “chop” proclamation, or

order, against the importation of the “opium dirt,” declaring it “a spreading poison inexhaustible, and in its injurious effects extreme.” Councillor Choo-Tsun, in one of his communications, has said—

“The wide-spreading and baneful influence of opium when regarded simply as injurious to property is of inferior importance, but when regarded as hurtful to the people it demands most serious consideration, for on the people lies the only foundation of the Empire. A deficiency of property may be supplied, and an impoverished people improved, whereas it is beyond the power of any artificial means to save a people corrupted by luxury . . . . and if the camp be once contaminated, the baneful principle will work its way, and its habit will be contracted beyond the power of reform. When the periodical time for the desire comes round, how can the victims, their legs tottering, their hands trembling, their eyes flowing with childish tears, be able in any way to attend to their proper exercises? How can such men form strong and powerful legions?”

After unceasing protests, in 1839, Lin-the Chinese Commissioner from the Peking Court, arrived at Canton, and demanded from the foreign ships all the opium to be given up. A cordon of armed Chinese boats surrounded the receiving ships. No assaults were committed, but all ingress and egress prohibited except by coolies to procure provisions. The opium was given up under protest, and after being mixed with oil and lime in conjunction with sea-water it was destroyed. The quantity thus destroyed amounted to 20,283 chests, representing a value of between £2,000,000 and £3,000,000 sterling. This was

“A solitary instance in the history of the world of a pagan Monarch preferring to destroy what would injure his subjects rather than to fill his pockets with the proceeds of the sale.”

Hence arose the first war with China, known, whether wrongly or rightly, as the Opium War. In January, 1840, an Imperial edict appeared, directing that all trade with England should cease for ever. In 1842 the Treaty of Nankin was concluded. That treaty was most humiliating in the eyes of the Chinese, because not only had large sums for the smuggled opium to be paid, amounting to some 6,000,000 dollars, but large compensation had to be made to private merchants to pay their contracted debts, besides the expenses of the war, and the cession of the island of Hong Kong to the British. One would naturally have supposed that after what had occurred, some steps would have been taken to



stop this opium smuggling. For 14 years, however, the quantity of opium went on increasing. The number of chests exported to China from India in 15 years, ending 1859, amounted on the average to 74,091 chests, valued at £4,484,147, all of which were smuggled. In 1856 the smuggling and piracy had become much worse, and Hong Kong, a barren rock, inhabited by a population of 200 to 300, was at that time the receptacle of 40,000 to 50,000, the scum of the heathen and civilized world. This was the place of which Sir Henry Pottinger said, in 1842—

"Its pure and noble institutions would stand one day as a model whereby to work the regeneration of the Chinese Empire."

Chinese vessels changed their registration for the purpose of carrying opium, and were registered under the British flag. On October 8th, 1856, the *lorcha Arrow* and her crew of 12 men were seized, although she had lost the right of carrying the English flag on the 27th September previous. Nine of the men were first given up by the Chinese, and the remaining three afterwards, but no apology was offered. Satisfaction was demanded for this outrage, as it was termed—although the crew were noted smugglers, if not pirates—and in 1858—in the second Chinese war, soon after—Canton was taken, and the forts of Pei-Ho captured. In 1860, Lord Elgin with Baron Gros carried the Takoo forts, burned the Summer Palace, and concluded the Treaty of Tien-tsin. That treaty was to the Chinese still more humiliating than the previous one, and he (Mr. Stewart) called the attention of the House to the fact that it was only by this Treaty in 1860, after the most vigorous protests from the Chinese, that the importation and sale of opium was legalized with a duty of 10 per cent. How true it is, as Mr. Mitchell puts it—

"We bring the Chinese nothing that is really popular amongst them except our opium. Opium is the 'open sesame' to their stony hearts; woe betide the trade the day we meddle with it to its injury."

Having given this brief history of the opening of the trade, without which, he maintained, no one could properly understand the subject, he would proceed to deal with the present Indian system. There were two great systems in existence—the Bengal, and the Bombay or Malwa. The latter referred to the

opium grown in the free Native states of Holkar, Scindia, Rewah, and some of the petty Rajpoot states. The Malwa portion of the opium was weighed in the Government scales at Indore, and the Guzerat portion at Ahmedabad, and passes were issued which cleared the drug until placed on ship-board. Recently, scales had been established at two other stations—namely, at Oojein and Oodaypoor. The chests, which weighed 112 pounds, were sent down carefully guarded to Bombay, where a heavy pass export duty of 600 Rs. per chest was imposed. The duty was practically levied before it was sent down, and paid by bill, when the pass was given to cover it to Bombay. The Government had nothing to do with its manufacture, and in strength it excelled the opium of Bengal. With regard to the Bengal monopoly system, there were two Government agencies, Patna for the North Western Provinces, Behar district and Chota Nagpore, and Ghazee-pore or Benares for Bengal Proper—including the Benares division, Allahabad and Oude. Under the sub-agents native establishments were appointed to look after the cultivation of the poppies. A ryot desirous of entering into the cultivation had to wait on the sub-agent, get his land measured, a cultivation licence, and the usual advance before the sowing season. On the plant appearing above ground a second advance was made, if the usual conditions had been fulfilled. When the pod has arrived at maturity, it is cut vertically across with three lines, the juice collected in vessels, and the produce subsequently taken to the office of the sub-agent, who pays the full price for it, subject to a further adjustment. This takes place in the month of April. The opium is then forwarded to the factory—where the final payment is given—and exposed in large masonry tanks till reduced to an uniform consistency, when it is packed in chests of 140 pounds weight, for home and foreign consumption—chiefly the latter—as only some £300,000 worth is sold in India. The following year, these are sold by auction at periodical sales in Calcutta by the Government official. The House would observe that from first to last the matter was entirely in the hands of the Government, who fostered its cultivation, and, with that object in view, made advances to the ryots. In the Punjab a good

Mr. Mark Stewart



deal of opium was consumed, and a tax of two rupees per acre imposed. It would appear from the Returns, however, the cultivation was diminishing in that district, as in 1870-71, 13,229 acres were cultivated, and in 1871-72, 6,225. Opium was not necessarily fatal in its operation, but the habit could not be left off, and was very degrading. In China no one confessed to its use, and those in the habit of taking it concealed from shame their finger and thumb, which became stained by the use of the pipe. It produced its worst effects among the lower classes. If left off suddenly, dysentery followed, which the upper classes could take remedies for. In Assam the cultivation was prohibited, because it was found that the people were gradually dying out from opium consumption. In the debate in 1870, the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) said—"An inquiry hardly touched upon"—by Sir Wilfrid Lawson—"was the nature of opium and its use, and whether the use of opium is necessarily connected with its abuse." Mr. T. T. Cooper, in his evidence, stated that his bearer-coolies could go a long way on opium, but that the effects were terrible, if, for a single day, the pipe was discontinued. He further stated, he had often seen naked dead bodies of the opium-smokers—unable to procure the drug—lying on the streets in the morning. It had been calculated that the proportion of opium-smokers at Canton was, in the case of the mercantile classes, 30 per cent; in the case of the Yamun officials, 90 per cent; and in the case of the soldiers 40 to 50 per cent. It was almost impossible to restrain the taste for it, and it was found necessary to increase the quantity to be smoked, in order to gain the same amount of satisfaction. So the House will see that the abuse is mixed up with the use. Mr. D. P. Broadway, Missionary, Patna, stated that—

"Its demoralizing influence on those who use it is certain, and so keen is the appetite when they become addicted to taking opium, that, unless the craving is satisfied, it results in the prostration of the whole bodily system, and even dissolution; . . . nearly all those who indulge in the drug are prevented from attending to their proper sphere of work, and are ultimately reduced to poverty."

The Rev. Mr. Shackell, Church Missionary Society, North India, declared that—

"Physically, the habit weakens the man, and renders him unfit to labour; morally, it seems to put him into a kind of lethargy, so that he apparently almost loses the sense of right or wrong."

Dr. Kerr was of opinion that 10,000 deaths occurred annually from the use of opium. He had many other quotations from gentlemen of great experience, but he refrained from quoting more. He now came to the question of the Bengal monopoly. All persons must admit that a monopoly was not in any sense a useful or sound policy, and it would be found that the Bengal monopoly was exceptionally bad. It was bad considered on the grounds of political economy, for the following reasons:—The Government carried on the manufacture itself, and substituted paid officials who might lack knowledge and—what was perhaps the greatest stimulant to success—self-interest. In the case of indigo cultivation, which was freed from Government control, success was obtained. Again, traders' profits were more than counterbalanced by traders' risks. There must also be taken into account the question of establishment, expenses, and plant. Then there was an immense sum of capital, calculated at £2,750,000 sterling, locked up for the best part of two years by reason of the advances, and nothing was deducted for interest. A private firm would only push increased cultivation when a demand rose for it. The monopoly also encouraged smuggling; and official pressure was also assuredly used. Mr. Hollings informed the Indigo Commission on this point, that—

"All the members of the Department are constantly engaged in using their best endeavours to extend the cultivation (of opium) with the consent of the parties engaging, and everything in the way of fair inducement and persuasion is not only permitted but encouraged."

There was no principle or standard to guide the fixing of the pass duty at Bombay. In 1864, on account of the oscillation of trade caused by arbitrarily glutting the market, the house of Sassoon and Co. petitioned Government to lower the duty from 600 to 400 rupees. They stated that opium which cost from 1,500 to 1,600 rupees in Bombay, one year had not exceeded 1,575 in the China market, involving heavy losses on firms in Malwa and Bombay. That was another proof that the monopoly was bad. Sir William Muir, a great autho-

rity on Indian finance, in his Minute of 1860, recognized this, and went on to say—

"The uncertainty it produced has gone a long way towards stimulating the spirit of unsound speculation and gambling which characterizes the trade, and has ruined many a firm in Western India."

The monopoly was also bad from a moral point of view. It was said that the Government controlled the trade and restricted it; but they found that, although Sir Cecil Beadon, in 1865, forcibly urged that 45,000 chests should be the limit for the Bengal monopoly, in 1867 it amounted to 48,000 chests. Then take the case of British Burmah, where every effort was made to push the traffic, as we read in the evidence of the Select Committee—

"In the Indo-Chinese districts of British Burmah, the action of the Departments in promoting the sale of opium has long been a public scandal. . . . Prior to the introduction of British rule into Aracan, the punishment for using opium was death. The people were hard-working, sober, and simple-minded. Unfortunately, one of the earliest measures of our administration was the introduction of the akbari rules by the Bengal Board of Revenue. Mr. Hind, who had passed the greater part of his long life amongst the people of Aracan, described the progress of demoralization. Organized efforts were made by Bengal agents to introduce the use of the drug, and to create a taste for it amongst the rising generation. The general plan was to open a shop with a few cakes of opium, and to invite the young men and distribute it gratuitously. Then, when the taste was established, the opium was sold at a low rate. Finally, as it spread throughout the neighbourhood, the price was raised, and large profits ensued. Sir Arthur Phayre's account of the demoralization of Aracan by the Bengal akbari rules is very graphic; but Mr. Hind's statements were more striking, as he entered more into detail. He saw a fine healthy generation of strong men succeeded by a rising generation of haggard opium-smokers and eaters, who indulged to such an extent that their mental and physical powers were alike wasted. Then followed a fearful increase in gambling and dacoity."

He asked the House—Can any worse description be found of a system under Government control? In fact, the trade was found invaluable on financial grounds, apart from all considerations of morality, to replenish an exhausted exchequer when any possible deficit might be apprehended: so cannot be given up. Again, the monopoly was bad on international grounds, because the Chinese hated us for it. They did not like parting with so large a revenue

as £9,000,000 to get in return nothing but smoke. It had been enforced at the point of the sword, and was degrading to the Government. Hon. Members might ask what was the opinion in China about opium? It was this, and he gave it on the authority of gentlemen who had spent more than half their life there. No one would take a servant who was an opium-smoker. The people were so addicted to the habit, so powerful were its enticing influences, that it was impossible, they said, they could resist it; and if it had not been introduced at the point of the sword, and afterwards under a treaty forced upon China, the Chinese Government would long ago have banished it from their shores. He should be met at once with the argument that the Chinese Government were not sincere; but a good deal could be done now on their part which never could have been done before. The House must recollect that there has been a great advance of civilization in China. They were building on the different stations gunboats equipped with some of the best rifled guns in the world; before this they were comparatively powerless. This force could greatly prevent smuggling; besides this, they had large forces in training now under European officers. They were bringing hardy men down from the north who could fight, and whose frames had not been enervated by opium-smoking. Well, they had civilization in this respect, although his hon. Friend the Member for Carlisle would hardly agree that that was real civilization. Now, to say that the Chinese Government were not sincere was surely not correct. There was a very important conversation related in the form of a Minute by Sir Rutherford Alcock, in 1869, to the Indian Government. So important did he think this that it was especially laid before the Council in Calcutta by himself. That Minister was no mean authority, for the House would remember he was our Ambassador at Peking. Sir Rutherford Alcock based his belief on reports of merchants in China, delegates of the Chamber of Commerce, such as Sassoon and Co.; and the Consul's reports—quite disinterested evidence; and he came to the conclusion that there was a great deal of sincerity on the part of the Government. He pointed out that if we were determined to bring opium

into the country, the Chinese were determined to grow it themselves, and so outbid us, by withdrawing the prohibition on its growth, which by the present law is death. The official Note further urged that some joint action should be taken by both Governments to prohibit the growth of the poppy. It was found between 500 and 600 miles south from the capital no opium was grown, but it was grown on the western side, where the Government have less authority. He held in his hand many extracts as regards its effect on the population, but he intended to trouble the House with only one. Evidence of the most conclusive character—evidence which he believed could not be contradicted—had been supplied on this question by persons who had lived 20, 30, and 40 years in China; and although he knew it was sometimes a matter of reproach to quote a missionary, still he would say that those gentlemen had greater opportunities of knowing what was going on in the country by their familiar intercourse with the people, who naturally pour out their complaints to them, than persons merely engaged in trade. Rev. R. H. Graves, M.D., 13 years Medical Missionary at Canton, says—

“The effects of opium-smoking are:—1st. Physiologically; excitement, evinced by nervous restlessness and talkativeness; and as one becomes more and more addicted to the habit, loss of appetite, emaciation, a dull leaden hue, stiff movements and gait, obstinate constipation, and occasionally skin diseases. 2nd. Socially; loss of time, resulting from the time required for smoking, and the subsequent sleep; expense, gradually exhausting a man's means, and driving him to the greatest shifts to satisfy his craving; the gradual sapping of the strength and vigour, rendering a man more and more unfit for the duties of life. 3rd. Morally; manifestation of anger under provocation; and I may add that the Chinese say, that as the use of alcoholic stimulants tends to make men hot-tempered and violent, so that of opium makes them given to lying, duplicity, and trickery. The habit of opium-smoking is more dangerous than that of taking alcohol, on account of the insidiousness of its approach, and the difficulty of escaping from its clutches. This vampire seems to suck all the moral courage out of a man. As to deeds of violence, opium must yield the palm to alcohol.”

What, then, was the material difference between opium and alcohol? They

are all agreed as to this—that the in-  
uses of alcohol were bad, but the  
dial difference was, that if you once  
-enced opium-smoking, you could  
we it off; you are all but com-

pelled to go on to excess. You may begin with a drachm or two a-day, and you may go on until you can consume no less than nine drachms a-day; and in that case it was positive death for it to be taken away. Thousands went to the opium hospital at Hangchow who had astringents given them in order to assist them to leave off the terrible habit of opium-smoking. Some could be cured in about three weeks, but there was no doubt very many went back to their former habits. Mr. Cooper was asked before a Select Committee of East India Finance, in 1871—

“Do you think, from your own experience in travelling over China, and investigating these matters, that the use of opium there causes as much public injury as the consumption of drink in England, as far as you can see?—Yes; I think that the effects of opium-smoking in China are worse than the effects of drink in England, as far as my experience goes.”

At the same Committee, Sir Rutherford Alcock was asked—

“Can the evils, physical, moral, commercial, and political, as respects individuals, families, and the nation at large, of indulgence in this vice be exaggerated?—I have no doubt that where there is a great amount of evil there is always a certain danger of exaggeration; but looking to the universality of the belief among the Chinese, that whenever a man takes to smoking opium, it will be the impoverishment and ruin of his family—a popular feeling which is universal both amongst those who are addicted to it, who always consider themselves as moral criminals, and amongst those who abstain from it, and are merely endeavouring to prevent its consumption—it is difficult not to conclude that what we hear of it is essentially true, and that it is a source of impoverishment and ruin to families.”

He felt he need not trouble the House with further evidence on this point. He thought in its moral effects there could be no doubt that he had proved opium-smoking was bad. Not only the abuse, but the use of the drug was bad, because if a man once took to smoking he could not leave it off. He had shown how degrading a habit it was, and therefore there could be no doubt, he thought, that it was liable to all the censure thrown upon it. On that score he thought he had shown that the Bengal monopoly must be injurious to the Government working it. Then there was the mercantile and international argument, what effect had it on our commercial relations with China, although our trade was improving, and was nothing compared to what it would



have been if our policy harmonized with that of the Chinese Government. In return for their tea and silk we gave opium. This traffic affected our trade relations with 400,000,000 of men, and it could not give them a very high idea of those who forced the traffic upon them. For the sake of the amount of revenue derived from this opium traffic, were they content to alienate their trade from the great Empire of China? Did they forget the other side of the picture; that they had to pay large sums to stay famine in India, calculated on an average in amount of £1,000,000 sterling per annum, and yet they were content to give up vast tracts of the best land in India, some 750,000 acres, to the growing of opium? Suppose a new war was to break out, did they suppose what had been done could ever be done again? Would it be possible to do it? Would not Russia or America step in and say—"You have no right to impose these Treaties on foreign Powers which are weaker than you are; although you are stronger, you must not force your trade upon an unwilling people." Did they not see that this source of revenue rested on a very precarious basis? The crop was precarious. A shower of hail might destroy it; a peculiar blight—as actually happened in 1871—or three days' rain, falling at a particular time, would injuriously affect a sixth portion of our Indian Revenue, not to speak of the undoubted fact of the large increased area of cultivation in China. He thought, considering all these things, they had some right to ask the Government to thoroughly investigate this matter; not only to consider it with a view to make some small alterations in detail, but to make up their minds that this painful monopoly should cease, and that it never should again be repeated. His belief was that if gradually withdrawn the monopoly would not be found so productive of loss to the Revenue. The Indian opium, by its peculiar qualities, would always bring a high price in China, and a high export duty would limit the trade. We stood before the world on our trial. We must not only teach morality by precept, but by example. There was a general feeling throughout the world that something ought to be done in regard to this Bengal traffic, and that this was the time to do it. We were professedly the bearers of "peace on earth and

goodwill towards men;" but in reality we were "sowing the wind," and leaving to others to "reap the whirlwind." We ought to throw off this odium, which must attach to the Indian administration as long as the Bengal monopoly was maintained. Imagine the Government of this country being the great distillers. Would the Government like to be in that position; would it be allowed to be in that position? No; the country would not allow it, because from a moral as well as an international point of view the monopoly was bad. Could we not confer with the Chinese Government as to regulating and restricting the trade? His hon. Friend who had an Amendment on the Paper (Sir George Campbell), and who had had so much experience in Bengal, appeared to him very nearly to meet his views. He hoped he would see his way entirely to do so. He also hoped his noble Friend the Under Secretary of State for India had not been long enough in office to have his ears deafened and his eyes blinded to the facts which had been laid before him. He heartily thanked the House for listening to him. He had quoted high authorities, and he should only quote one more, but that authority was higher than all the rest, and one they were all bound to obey, whose words were Gospel truth, and applicable to nations as well as individuals: "Offences must come, but woe to him by whom they do come." The hon. Gentleman concluded by moving the Resolution.

MR. PEASE, in seconding the Resolution, said,\* he was not insensible of the difficulties of this question, difficulties from which successive Governments had recoiled, and from which the late Government turned away in despair. New evidence and new light, however, had been thrown on the whole question since it was last discussed, and he hoped this new evidence would be brought to bear on the question by the present Administration. He was convinced from what he had read in the Reports and in the Papers, so kindly laid on the Table by the Government, that this was a question which every Government must face; because, if the Government refused to face it now, the difficulties would increase as years rolled on, and it would in the end face the Government. He had read the documents

laid before the House from time to time on this subject, and he trusted in looking at them and in bringing the facts before the House, he would receive credit for not being actuated by any desire to use them merely to support his own preconceived views, or, indeed, any other than the most obvious deduction from the facts and figures which the Indian Papers and correspondence disclose. That the opium revenue had been a very increasing portion of the Indian Revenue had already been proved by his hon. Friend the Mover of the Resolution (Mr. Stewart). It now amounted to 16 per cent of the gross Revenue of India; but, as had already been described, that Revenue was drawn from two sources, and these two sources of a decidedly opposite character. First, there was the revenue which had been described as coming from the Bengal drug—that which the Government itself cultivated and sold, and, he was going to say, forwarded to China for the Chinese market, and which was subdivided into Behar and Benares, and the second source, a pass duty of £60 or 600 rupees per chest, on that which was shipped from Bombay, called generally Malwa opium. It was principally to the Bengal revenue that he wished to direct the attention of the House. He should have something to say about the other, but it was to that cultivated by the Government itself to which he wished at first to call attention. The manner in which the Government dealt with the trade, and the way in which the Bengal opium revenue was raised, were given in a few words by Sir Cecil Beadon in his evidence—

“2871. CHAIRMAN: Will you kindly state what offices you held in India?—I was Secretary to the Board of Revenue, Secretary to the Government of Bengal, and afterwards Lieutenant Governor of Bengal.

“3195. Has the existing mode of raising the revenue from opium been in force for a very long time in Bengal?—Yes; almost ever since the commencement of our rule in Bengal.

“3197. You know that the production of opium in Bengal has been gradually growing for a number of years?—Yes.

“3198. Will you state, in the first instance, as the system has been the same, what is the system generally under which this revenue is collected, and the administration under which it is collected?—I will endeavour to be as brief as possible. The Government have established two agencies, one at Patna and the other at Ghazee-pore, which are usually called the Behar agency the Benares agency; the head-quarters of one being at Patna, and of the other at

“3199. In what mode is the land then selected for cultivation?—When any ryot wishes to cultivate opium he goes to the sub-agent, and asks to have his name registered, his land measured, and to get a cultivation licence, and the usual advance. The sub-agent makes inquiries, ascertains that the man is really *bond fide* an owner of land which he proposes to cultivate with opium, has the land measured, and then makes the advance upon the security of the person himself, to whom the advance is made, and his fellow-villagers. The advance is made shortly before the sowing season. The ryot then sows his land, and when the plant is above ground, the land is then measured by one of the native establishments, and if the ryot has sown all that he engaged to sow, he gets a second advance; if he has not sown so much, he gets something less in proportion; or, if more, he gets a little more. There is a sort of rough settlement at the second advance. Nothing further takes place till the crop is ripe for gathering, and when the ryot has gathered the crop he collects it in vessels, and takes it to the sub-agent's office; there he delivers it to the sub-agent, as the agent of the Government, and receives the full price for it, subject to further adjustment when the opium has been weighed and tested and examined at the agent's factory. The opium is then collected at the sub-agency and forwarded to the factory; there it is exposed for a considerable time in large masonry tanks; it is reduced to a uniform consistency, and made fit for the market, some for home consumption, and some for sale in Calcutta for exportation—the greater quantity for exportation. It is then packed in cases and sent to Calcutta, and in Calcutta it is sold by auction at periodical sales, and exported by merchants for consumption abroad.

“3205. Is there any regulation by which the Government limit the extent of the land so cultivated, or do they always accede to every request?—It is limited according to the financial needs of the Government; it is limited entirely upon Imperial considerations. The Government of India, theoretically at least, if not practically, decide how much opium they will bring to market; and, of course, upon that depends the quantity of land that they will put under cultivation and make advances for.

“3210. Are great precautions taken to prevent any person cultivating the land with opium without a licence?—It is absolutely prohibited.

“3213. So that you have no reason to suppose that there is any illicit cultivation?—There is no illicit cultivation at all.”

The largest portion of the whole of this opium, grown in India—Bengal opium—goes direct to China. In 1866, out of 8,604,000 lbs exported, 8,505,000 lbs were exported to China, costing £8,860,000 to the Chinese people. This trade had grown up within comparatively a few years. In 1834-5 the net opium revenue was £838,450; in 1844-5 it was £2,181,288; in 1854-5 it was £3,333,602; in 1864-5 it was £4,984,424; in 1872-3 it was £6,870,423; and in 1873-4 it was £6,333,597. So that it was now double



what it was 20 years ago, and it was eight times what it was 40 years ago. He should next show how this revenue was divided.

Year.	Cultivation.	Pass Duty.
1834	2694,279	£144,171
1844	1,868,345	372,943
1854	2,232,411	1,101,191
1864	2,883,542	2,100,882
1872	4,259,162	2,611,261
1873	3,594,763	2,738,841

This clearly showed that the proportion of revenue derived from pass duty was steadily increasing. The quantity of land occupied was annually more. In the case of Bengal, in 1848-9 it was 388,000 beegahs; in 1858-9, 467,000; in 1868-9, 694,000; and in 1872-3, 828,000 beegahs, a beegah being five-eighths of an acre. The Revenue of India had become more and more dependent on the poppy trade, for whereas in 1800 to 1820 the gross opium revenue was £15,165,564, the gross total of receipts was £317,651,837—proportion 4.77 per cent; in 1860 to 1872 it was £101,920,436, the gross total of receipts was £607,780,270—proportion, 16.77 per cent; and the net opium revenue which in 1834 to 1844 was in Bengal, £10,261,927, Bombay, £1,975,300; total £12,237,227; percentage from Bengal, 83.88; percentage from Bombay, 16.12, had risen in 1873 and 1874 in Bengal to £7,853,925, and in Bombay to £5,350,102; total, £13,204,027; percentage from Bengal 59.48; percentage from Bombay 40.52. He was sorry to trouble the House with figures, but they were necessary to prove that more opium had been produced; that more land had been occupied; that India had become more dependent on this trade; and that the proportion derived from pass duty, had steadily increased. This history of the trade in this drug—he did not wish to use language too strong—was one of the darkest pages on the trading annals of a Christian country. So far as India was concerned, taking Bengal alone, the revenue was £3,594,673, and it was to that part of the trade that he wished to draw the noble Lord's attention. He did not propose to deal with the whole question, but with that part of India of which the Government was the direct cultivator, and the supplier of the money to cultivate. This question of the opium trade with China was by no means a new one. It was

raised in the House of Commons by Lord Shaftesbury (then Lord Ashley), in 1843, in a speech showing great research, reflecting great honour both to his head and to his heart, replete with those benevolent feelings towards the human race which have ever marked his Lordship's character; and the noble Lord pointed out then its demoralizing effect upon the Chinese. His Lordship went through the whole question of the Indian trade with China, and though it must be frankly admitted that circumstances were wonderfully different now, yet the arguments then brought forward as to its demoralizing effects, applied with equal if not greater force in the present day. The importation of opium into China was then strictly forbidden, and Englishmen and English ships were engaged in smuggling it into China against the efforts of the Chinese. Lord Ashley at that time also moved a Resolution to the effect that the trade with China

“Was damaging to our legitimate commerce, and utterly inconsistent with the honour and duty of a great Christian country.”

The revenue at that time was £2,181,000, and the only argument brought forward against the Motion was one of money. The argument as to the demoralizing tendency of the trade was very much strengthened now, inasmuch as it now applied to a revenue of £6,000,000. Sir Robert Peel neither attempted to refute the facts nor the arguments of Lord Shaftesbury in that discussion, but asked that the matter might be left in the hands of the Government, and moved, as the late Government had since done, the Previous Question. In those hands it had since remained, in those hands it still remained, and in those hands the revenue derived from debauching the Chinese had doubled. Sir Robert Peel asked that it should be left in the hands of the Government, and pointed out that treaties were in course of negotiation which involved a considerable amount of delicacy, and that it would be inconvenient to interfere with the pending negotiations with China. The matter there ended, Whig had succeeded Tory, and Tory Whig; and every successive Administration, during the 32 years that had passed away since that time, had allowed this traffic to go on, damaging as it was to the English name throughout the world.



He hoped that the noble Lord would look into this state of things, and do what some of the ablest statesmen in England had urged preceding Governments to do, to set this matter right. In 1870 his hon. Friend who sat behind him (Sir Wilfrid Lawson) again called attention to this question in an excellent speech, which would bear repetition, but he would not now trouble the House with the allegation it contained, and moved that "This House condemns the system by which a large portion of the Indian Revenue is raised from opium." A remarkable speech was made in reply by the hon. Member for the Elgin Burghs (Mr. Grant Duff), who again moved the Previous Question. His speech was one of the most successful ever made in the House. He would not for a moment say it was insincere. He reminded him of the Yorkshire horse-dealer's boy: with his foot in the stirrup he asked his master—"Do I ride to buy or sell?" His hon. Friend rode for his money and he rode well. He could not admit that he washed the blackamoor white, but he half hid him in the soap-suds. The hon. Member almost endeavoured to prove that the article was good for the Chinese and for everybody else, and that it would be unkind to deprive them of it, and that it was one of the greatest blessings a kind Providence had showered amongst us. He (Mr. Grant Duff) certainly did prove one thing, and that was that India stood in need of the money—that he (Mr. Pease) admitted. The hon. Member for the Elgin Burghs was backed up by the right hon. Member for Greenwich (Mr. Gladstone), with the many financial arguments which that right hon. Gentleman was so well able to bring forward. The right hon. Gentleman said—

"That the Chinese Government arrived at the wise resolution, that, under the circumstances of the case, it was not possible for them to struggle against an appetite so strong and a tendency so decided as that which possessed a large portion of the Chinese people, and, consequently, they determined to deal with opium as a commercial commodity, and to admit it into the country upon payment of a duty."—[3 *Hansard*, cci. 516.]

The right hon. Gentleman then proceeded to draw a parallel between whiskey, tobacco, and opium, and finally concluded by stating that they wanted the money. It would be in vain for him (Mr. Pease) to point out inconsistencies in the House, because no one could be a good judge as to that, until he was aware

of what was passing through the mind of another, and what another's previous convictions were on a subject; but he certainly was amazed that anyone who so well knew the history of the matter could have made such a speech as that. The right hon. Gentleman was perfectly cognizant of the whole of our dealings with China on this matter. The Christian man knows that in this trade, and in the effect of this trade, every precept of his religion is violated—that it prevents the introduction of his religion into thousands of homes where it would be a blessing. The moral man knows that the consequences of this trade outrage every principle of morality and virtue. The statesman knows he is resting on a revenue on which he can place no reliance on a support on which he has no right to bear. Would any hon. Member in the House get up and say that the Chinese people spent £8,000,000 annually in the purchase of this drug as a medicine? It was absurd on the face of it. Lord Ashley produced in the House a great many statements relating to the effects of opium on the Chinese, and he would read one or two of them. Mr. Majoribanks, President of the School Committee of Canton, stated—

"That opium can only be regarded, except in the small quantities required for the purposes of medicine, as a pernicious poison. To any friend of humanity it is a painful subject of contemplation that we should continue to pour the black and envenomed poison into the sources of human happiness. The misery and demoralization are almost beyond belief."

Mr. Medhurst stated—

"Calculating, therefore, the shortened lives, the frequent diseases, and the actual starvation which are the results of opium-smoking in China, we may venture to assert that this pernicious drug annually destroys myriads of individuals."

Mr. Squire, Church Missionary Society, said—

"Never, perhaps, was there a nearer approach to hell upon earth than within the precincts of these vile hovels, there every gradation of excitement and depression may be witnessed. Let it never be forgotten that a nation possessing Christianity supplies the means."

The Rev. Howard Malcolm, United States, remarked—

"No person can describe the horrors of the opium trade. That the Government of British India should be the prime abettor of this abominable traffic, is one of the grand wonders of the 19th century. The proud escutcheon of the nation which declares against the slave-trade is thus made to leave a blot broader and darker than any other in the Christian world."

He would not weary the House with the repetition of authorities which were quoted in 1870. But there were fresh authorities at hand on whose words and evidence they could rely, and these he would be obliged to give, because if they did not prove that the drug was demoralizing to the Chinese, they had no *locus standi*. He would read to the House an extract from an essay written by a Chinese on the subject. The author wrote—

"China is in the centre of the world. It has been a very rich country, and powerful in arms. Now that it has fallen into poverty and weakness, though you say this is caused by the revolutions of destiny, under the direction of heaven; it must be admitted that opium has had much to do with it. A most base substance is exchanged for silver, the dearest of commodities. In a year, how many hundreds of thousands of millions of ounces are wasted in enriching foreign countries, and impoverishing China? 'The courtier and the noble, as well as the poor scholar and the labourer; the high and low, without distinction, all love opium as if it were their life. Opium is a most injurious evil. The full and fleshy, if they indulge in it, become thin; the strong become weak, though they do not at once die, they suffer the equivalent of death. Trade with foreign countries, originally intended to increase our wealth and supply the needs of the Government, has brought in opium, which costing several thousand million strings of money, it has supplied to the people to smoke, thus drying up our sources of wealth and exhausting our means of living. Daily the evil grows. How can our energy and our muscle fail to be wasted? Faults and failures, how can they be wanting?'"

These were the sentiments of a Chinese. Allusion had been made to a statement signed by 16 missionaries, which stated that the Empire and people of China are daily becoming more and more demoralized and impoverished by the increasing use of the drug. The moderate use of opium, granting that such a use is possible, is uniformly regarded by Chinese Christians as a sufficient reason for refusing admission to the Church, and though none of us enforce such a rule in regard to the use of spirits, we do all believe that the danger of excess is so much greater in the case of opium, that this rule in regard to it is necessary. The moral sense of the people of China, whether addicted to the vice of smoking opium or not, is opposed to the traffic, and condemns all concerned in the importation of the drug. These missionaries were often thought to be very good, but at times not very prudent men, and yet there was no question of their devoted-

ness, and in many cases of their knowledge and ability. These men were paid by our constituents—many Members of this House subscribe largely to the funds which support them. They said to those people who used this drug which this country was sending in from India to China—"You are not to be admitted to the Christian Church." This country is deriving £6,000,000 sterling in India for the sale of the drug, the use of which kept its votaries outside the pale of the Christian Church. This seemed to him a strange consistency. Every one who had looked into this question must admit that it was nothing more than an immoral trade that we were carrying on with China. Every minister who had been called upon to deal with the matter, had resolved it into one question alone, that of money. It was idle to say that they must not attempt to reform the Chinese until they had begun reforms at home. It was for them to take care that their own hands were clean, and he was not attempting to argue the question of commencing reforms at home, or of reforming the Chinese. The only question he attempted to raise was as to the duty of Englishmen in reference to this particular trade. And on that point he said fearlessly, that as long as England followed this trade she was doing a huge moral iniquity, and that from the lowest of all motives—the sake of gain. As a nation they were pandering to the vices of the Chinese, and for money they were debauching a whole people. The right hon. Gentleman said that the Chinese Government adopted a wise policy when, finding they could no longer keep opium out of China, they put on a duty so small as practically to be no duty at all. Mr. Stewart had pointed out that in 1840 we went to war with China, and why was this done? Simply because the English were smuggling large quantities of opium into the country, and the Government was distinctly winking at the fact—nay, almost encouraging the practice. The Chinese blockaded our merchants at Canton, and seized 20,000 chests of opium, which they mixed with lime, oil, and rubbish of various kinds, afterwards trampling the whole mass under their feet, in order to show their detestation of the traffic; they knew, if they did not destroy, it would destroy them. England took her revenge by bombarding and destroying the town of

this so-called fanatical people who hated and desired to put an end to the traffic in a poisonous drug. England gave the Chinese a lesson in Christianity by destroying them because they would not be poisoned, and then, after compelling them to pay for the smuggled opium which they had intercepted, Mr. Gladstone said the Chinese Government had adopted a wise policy. No statement or inference could have been more unfair to the wisdom of the Chinese Government. Three years after the war to which he had referred, Sir Robert Peel said, in reply to Lord Ashley, that he was endeavouring to obtain from the Chinese assent to a treaty under which opium would have been admitted; but it was not until 13 years later that the Heathens began to learn Christianity, and under the Treaty of Tien-tsin admitted opium at a duty to their country. What, however, did Mr. Wade, our Ambassador in China, say with reference to the business? Writing to Lord Clarendon, in May, 1869, Mr. Wade wrote as follows:—

“We are generally prone to forget that the footing we have in China has been obtained by force alone, and that, unwarlike and unenergetic as we hold the Chinese to be, it is in reality to ‘the fear of force alone’ that we are indebted for the safety we enjoy at certain points accessible to our force. . . . ‘Nothing that has been gained, it must be remembered, was received from the free will of the Chinese; more, the concessions made to us have been, from first to last, extorted against the conscience of the nation’—in defiance, that is to say, of the moral convictions of its educated men—not merely of the office-holders, whom we call mandarins, and who are numerically but a small proportion of the educated class, but of the millions who are saturated with a knowledge of the history and philosophy of their country. To these, as a rule, the very extension of our trade must appear politically, or what is in China the same thing, morally wrong, and the story of foreign intercourse during the last 30 years can have had no effect but to confirm them in their opinion.”

Later on, in May, 1869, there was a conference between Sir Rutherford Alcock and the Chinese Foreign Board, presided over by Wan Chang. Mr. Chapman, in his Minutes of the Conference, stated with regard to the Chinese Board, that—

“They proceeded to describe the horror entertained by all good Chinese, and by all the influential classes, of the effects of opium upon the Chinese nation; and said that real friendship was impossible, while England continued responsible for the drug to the Chinese people.”

Wan Chang repeated that the Chinese

Government did certainly hope and desire that the British Government would agree to some arrangement for giving effect to the wish of China, for the discouragement of the consumption of opium by the Chinese people. He had also in his possession a very remarkable memorandum written by the Chinese Minister, but time prevented him from reading it to the House. It showed additional evidence of the fact that the Chinese Government had from first to last protested against the traffic in a drug which was sapping the vitals of their nation. Let the House think what would have been the effect of England endeavouring to force whiskey or gin, for instance, upon an European nation, as she did opium in the case of China, and compelling them to take the liquor at a nominal duty. It was probable that the result of such a course would be to involve England in a war with the country upon whom she attempted to force her spirits. But as China was a weak nation, almost to use Mr. Wade's words, England had introduced opium into the country by fraud, and was keeping it there by force. He therefore asserted strongly that the consumption of opium was destroying the people; that the Government of China desired to stop its importation. He would now proceed to deal briefly with the question of the Indian Revenue, as it was affected by the growth and export of opium. As a practical man, he thought nothing could justify his stating to Parliament what he thought should be done, unless he also pointed out how, in his opinion, it could be accomplished. Many persons would say that the character of the trade was so doubtful, that the revenue arising from it was so uncertain, and that there were so many things to be said against it, that if we could do without the money it would be better to abandon the trade; and so put a stop, as far as in us lay, to the evils by which it was accompanied. This was all very well as far as it went, but he wished those who could use this language to go a step further. There was a great difference between a State doing the trade themselves, and the same State receiving a revenue from those of its citizens who chose to cultivate and manufacture the drug. In the one case, the revenue resulted from the ordinary laws of supply and demand, and, in the other, it was derived from



merchandize which we forced, as it were, upon the Chinese market. What was the position of our Indian Government with regard to the drug? They were in exactly the same position as the miserable victims of the drug themselves. They said as soon as they felt the pangs of hunger coming upon them in the shape of pecuniary want, "more opium," and the more the hunger came upon them, the more strong their craving for opium became. They found Indian Governors telegraphing to their subordinates to grow more opium; it was only the growth of opium would make our revenue easy. On the 22nd of April, 1869, the Hon. W. Grey, Lieutenant Governor of Bengal, writing from Barrackpore to Mr. C. H. Campbell, said—

"I have a telegraphic message from Simla, urging that every possible expedient that you can approve should be used even now to extend the opium cultivation next season to the greatest possible extent."

Sir Richard Temple, in a Minute dated 27th April, 1869, wrote—

"I am clear for extending the cultivation and for ensuring a plentiful supply. If we do not do this, the Chinese will do it for themselves. They had better have our good opium than their own indifferent opium. There is really no moral objection to our conduct in this respect."

He might remark that the last sentence of Sir Richard Temple's Minute showed that he was struck with the idea that after all there might have been a moral objection to the business. Mr. Grey, again, on the 29th of April, 1869, urged increased cultivation, remarking—"This would just suffice, and no more, to put us on smooth ground again." Thus they had the spectacle of a Christian Government ruling in India, and sending more opium into China: and just in proportion as our financial needs require, we raised our revenue by debauching the Chinese people. Let the House look at a parallel case. Imagine England, which levied duty on Irish whiskey, having all the Scotch distilleries in her own hands, and telegraphing to Scotland that, having compelled France by force to consume our whiskey, and to admit it at a very low rate of duty, more grain must be grown, and more whiskey distilled. Such a thing would not be tolerated in Europe for a moment. There might be degrees in morality, but this forcing Indian opium upon the Chinese was many degrees worse than would be the forcing of Scotch whiskey

by England upon France, because, as the House had already heard, the consumption of spirits was not nearly so deleterious to a people as the consumption of opium. This was not the first time that this view of the question had been brought before the House. On the 10th of May, 1870, the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) moved a Resolution on the subject, and on that occasion the hon. Member for the Elgin Burghs (Mr. Grant Duff), who was then Under Secretary of State for India, admitted that—

"Of course, there was a great deal to be said against this Bengal monopoly on politico-economical grounds. He supposed no one would invent such a system now-a-days; but we did not invent the system—we inherited it."

After some further observations, the hon. Member went on to say—

"As it was, no one, except those who had been working the system all their lives, was, so far as he was aware, particularly enamoured of the Bengal monopoly."—[3 *Hansard*, cci. 507-S.]

He had been told that if it was immoral in a State to cultivate opium, it was also immoral for a State to allow it to be grown under a pass duty. He agreed with this proposition, but he had rather to do with the State than with individual members of it; and if the trade was an immoral one, the question was only one of degree and of the State getting out of an awkward scrape. The first step to be taken then was to get rid of the Bengal monopoly, by putting the trade all under one system of pass duty, and then to go on raising the duty until India was prepared to do without the revenue, and the trade could be got rid of altogether. Of late years the Indian Revenue had shown increased vitality, and he sincerely hoped it would go on in the same direction until the Government would be able to dispense with the income derived from opium altogether. As a State we stood in a somewhat difficult position. We might say to the cultivators—"You may cultivate as long as you like; we desire to suppress the trade." Knowing at the same time that if the growth of opium was put an end to, the ground used for the purpose would be applied to the growth of things that, instead of destroying, would sustain life. With regard to the financial effects of a system under which the Government would desist from the growth of the poppy and discourage its cultivation, by private

planters various opinions had been expressed. Sir William Muir, in a Minute dated February 22, 1868, described the probable finances of an experiment under which the Government should abandon cultivation and leave the production to private individuals, imposing a pass duty on the drug in entire substitution for the Bengal monopoly. He pointed out that in Bengal the production was 48,000 chests, and in Bombay 35,000, upon which a duty of 700 rupees per chest would yield £8,500,000, which, allowing £2,000,000 for correction, would leave a net revenue of £6,500,000. After stating these figures Sir William Muir concluded with this remarkable sentence—

“The change would relieve the British Government from the odious imputation of pandering to the vice of China by over stimulating production, overstocking the market and flooding China with a drug in order to raise a wider and more secure revenue to itself, an imputation of which at least on one occasion I fear we are not wholly guiltless.”

Mr. Reid, Chief Commissioner of Customs at Bombay, held the same opinion in very clear language. He said—

“The disadvantages of the Government monopoly are so clearly pointed out that its further retention will surely find no advocacy, and its death knell may well be sounded.”

In 1869, too, Sir R. N. C. Hamilton wrote—

“My recommendation is that Government should withdraw from the cultivation and throw it open to the public, to anybody who chose to cultivate it.”

If further evidence were needed, he might go into the evidence in which Dr. George Smith, when examined before the India Finance Committee, described the means he would recommend for working out the Government system of cultivation. In 1870, Lord Sandhurst—then Sir William Mansfield—wrote—

“We are now certified that the cultivation of opium has immensely increased of late years, and is increasing in many provinces of China.”

Further on the same authority wrote—

“We gathered from Sir Rutherford Alcock, when sitting with us in Council, that the Chinese look on this raising of duty as but the first step of the policy of exclusion of Indian grown opium. I arrive then at the conclusion that, whatever the cause, whether it was the moral one or the economical one, the Chinese have commenced a policy which is very hostile to British interests. As a matter of policy, I believe it would be wise for the Government to relieve itself of the burden of the manufacture and sale of Bengal opium.”

These were all strong opinions on the part of leading men in India, and he trusted their advice would have its due weight with Parliament and the Government as represented by the noble Marquess at the head of the India Office, and the noble Lord his junior. He felt that if the Government did not face the matter at an early date, the matter would come again so prominently before them, that it would not be by any means easy to deal with. The cultivation of opium in China had been alluded to, and he believed it was the fact that the Chinese had determined to throw the Indian opium trade back upon India. They said, in effect—“If our people are to become demoralized by the use of opium, we may as well grow it ourselves, for we can grow it 40 or 50 per cent cheaper than it is grown in India.” Sir Rutherford Alcock's statement on this point amounted to the fact that—

“He had found that the Chinese authorities had come to the resolution that unless steps were taken by the British Government to check the importation of opium, to drive the Indian drug out of the market, both by absolute prohibition of its import and the encouragement of the poppy cultivation and the manufacture of indigenous opium, he was convinced that these were their intentions and that they had power to carry them into effect.”

These opinions were expressed by Sir Rutherford Alcock in his report to the Lieutenant Governor of Bengal on the Treaty of Tien-tsin, and in the same document he referred to Mr. Gubbay's letter of the 29th of November, 1869, which showed that in the Province of Sechuen, the opium crop had risen from 3,500 piculs to 50,000. Again, Sir Henry M. Durand went at length into the question of Chinese growing opium, and expressed his opinion that it must in the end drive Indian opium out of China. He (Mr. Pease) thought, then, he had proved how odious the traffic was to the Chinese, how steadily it had increased from year to year until recently; how the cultivation had been pushed; how steadily the pass duty on opium had increased; and how the Indian statesmen had agreed that the duty system should be the only system, and the Government should altogether abandon the cultivation of opium. He therefore trusted that recommendations which had been made would be carried into effect. It was clear that the Chinese could produce opium cheaper than it could be



produced and exported from India; and he hoped he had also proved that for the sake of our Indian Revenue the State was pandering to Chinese vices; that the Revenue was becoming more and more dependent upon this vice, and that it was becoming daily more and more precarious in its character. He thought everyone would agree with him that there was a very decided difference between the State cultivating and selling the drug, and the State leaving the cultivation in the hands of private individuals, taking a duty upon the export merely. Lord Sandhurst had expressed an opinion, that as a matter of policy it would be wise for the Government to relieve itself of the burden of the manufacture of Bengal opium. He would like much to see this done and the trade swept away root and branch; but he was bound to admit that at present there were causes which would render this impossible, from the point of view of policy. He maintained, however, that we could do as a matter of duty that which Lord Sandhurst referred to in the light of policy. Let them follow up this policy by steps, in order to destroy a trade which was only profitable in proportion as it destroyed. There was no man who could look back upon the history of our dealings with China without agreeing with him that it was one of the blackest pages in our trading history. He could only, in conclusion, express an earnest hope that our future policy towards the Chinese might not be one of feeding their depraved appetites, but might be one of aiding the good and enlightened among them to stamp out a vice that both the Christian religion and the axioms of heathenism alike condemned.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "this House is of opinion that the Imperial policy regulating the Opium traffic between India and China should be carefully considered by Her Majesty's Government with a view to the gradual withdrawal of the Government of India from the cultivation and manufacture of Opium,"—(*Mr. Mark Stewart.*)

—instead thereof.

SIR GEORGE CAMPBELL said, he had recently had some official connection with the opium traffic, and he therefore considered it proper that he should express his views to the House regarding

*Mr. Pease*

it. He had placed an Amendment on the Paper to the Resolution of the hon. Member for the Wigton Burghs (*Mr. Stewart*), which by the forms of the House he was unable to move; but he would read it to the House, as it stated the views he held upon the question. It affirmed that the House was of opinion that the system under which opium was manufactured and sold by the British Government in India should not be extended, but, on the contrary, should, as far as circumstances permit, be gradually restricted. He had sympathized very sincerely with much that the Mover and Secondor of the Resolution had said; and would at once admit the perfect fairness which both hon. Gentlemen had evinced in placing the subject before the House. It seemed to him, however, after all, that the question was a practical one. It was not whether the evils attending the consumption of opium were great—undoubtedly they were—the question was, how those evils could be remedied. Large sums were derived from opium by the Indian Government; but he maintained that the Indian Government had had nothing whatever to do with forcing the traffic upon the Chinese. If forced it was upon them, that Government had totally dissociated themselves from the transaction. Both in the past and at present the matter was one between the British merchants and the Chinese, and the Indian Government had had no part in it for many years. Looking at the matter from an Indian point of view, the question was a more simple one. He had considered the subject a good deal, and it appeared to him that the relative evils of opium and alcohol were very much on a par. Both undoubtedly were very bad; the one was the vice of the West, and the other the vice of the East, and it was impossible for any man to say that one or the other was the worst. He thought that they might treat this simply as a matter of race, and that as the Aryan races preferred alcoholic drinks, so the Turanian consumed opium. It had often been urged that, as regarded the opium traffic, it was a cursed thing, from which they were bound to withdraw altogether as speedily as possible. He would venture to say that that was not a practical view of the matter, and he would ask how were they to shake themselves free? Only by one of two courses—they could



either allow the trade in opium to be free, or prohibit it altogether. Now, what would be the result of allowing free trade? He maintained that the sale would be greater, that enormous injury to the population would be produced, and that there would be a loss in the Revenue. The other course was to prohibit the cultivation altogether. He was not prepared to say that was a wrong course; indeed, a great deal might be said in favour of it. But was the House prepared to take that course? When the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) had not only carried his Permissive Bill, but when the manufacture and use of alcohol were entirely prohibited, it might then be possible to suggest the prohibition of the cultivation of opium; but it was totally impossible that the poppy cultivation should be prohibited, and our Indian Revenue should be sacrificed, for the benefit of the Chinese, while the alcohol of Britain was allowed free scope. We did not leave the traffic in alcohol free, but we checked it by a very heavy taxation. Opium was one of those things upon which the imposition of a heavy duty enabled us to serve God and Mammon at the same time — doing good to our neighbours by checking its consumption and raising a large Revenue for ourselves. That was a view that was really accepted by hon. Members who had dealt with the subject, and until they were prepared with another system they must continue to tax the drug, and the only question that then arose was the form in which it was to be taxed. He would say that after all, whether the tax was imposed in the shape of an export duty, or by a monopoly like the tobacco-monopoly in France, or other systems of a similar kind, it was a tax raised upon an article of consumption. He had no hesitation in saying that, if he saw his way to do so, he would do his utmost to get rid of this monopoly system, and confine himself to the duty only. At the same time, he would say, from a long and intimate acquaintance with this system, and having seen both sides of the question, that he believed that the monopoly did in practice work well, and it was more unseemly than injurious. The Gottenburg system, under which the public authorities regulated the liquor traffic so that as little harm as possible should be done to the

community, was precisely analogous to the system followed in Bengal with regard to the opium traffic. Before the present system was abolished they ought to be shown a better one to substitute for it. The opium revenue was of very great importance to India, and there would be much risk attending changes. We derived a large revenue from opium, and the financial condition of India at the present time was not such as would justify us in running great financial risks for the sake of an idea. So far from being in a flourishing state, our Indian Revenue barely sufficed to make both ends meet, and it certainly was not in a condition that would enable them to sacrifice any part of it. As to the position of the ryots, there was no pressure whatever put upon them to grow opium, and under a different system they would probably fare worse than they did at present. In the same districts as those in which opium was grown the manufacture of indigo was carried on by private speculators, and the ryots engaged in that industry were not by any means free, for they were under a sort of feudalism. If a system of duties were adopted in regard to opium it would probably be necessary to interfere with the course of free trade—to lay down strict regulations as to where opium ought to be grown, and to take great precautions against smuggling. Thus, the proposed change involved other than purely financial considerations, and it would be most injudicious to take any hasty step in the matter. If it could be proved that good would be done by the sacrifice, he would assent to it; but he did not think that any good would be done if the income they derived from opium were swept away. At the same time he would not extend the monopoly system, and when some years ago it was proposed to extend it, he had opposed the suggestion, and it was not carried out. He would restrict the system to the places thoroughly well accustomed to it, and carry out the duty system whenever it was possible. That was the view which he held formerly as an Indian official, and which he had now to urge as a Member of the House of Commons. The Government of India would, he hoped, take the matter into their consideration. The truth was, the greater part of the opium revenue was derived from those districts in which



monopoly was established, and it was necessary in any action which might be taken that great caution should be observed. In the case of Behar and Benares it would, he thought, be better to wait until we had seen the result of a change in other parts of the country, where the revenue to be risked would be very much smaller in amount. If the change proved successful in those quarters, then it might be extended, and we might thus ultimately be enabled to get rid of monopoly altogether, although he did not think the time when we could do so had yet arrived.

MR. RUSSELL GURNEY said, he supported the Resolution, which he thought exceedingly mild and cautious. He thought there was no necessity for warning the House not to proceed with too great haste in the matter, seeing that this was the advice given more than a quarter-of-a-century ago, and that the result of the action which had been taken with respect to it was, that the evils of the trade had increased something like four-fold. It was, he might add, idle to contend that there was no difference between the two modes employed for levying a revenue from opium—one of which was to lay a heavy duty on the export of the article, thereby discouraging the trade; and the other the cultivation of the article by the Government itself. There was all the difference between the two modes that existed—between the nation becoming a distiller, and levying a tax on spirits when in the still. As to perfect free trade in opium in India, no one had suggested it. In former debates in that House it had been admitted that great evils sprung from the manufacture of opium and its compulsory exportation to China, on the inhabitants of which country it was forced, according to Mr. Wade, against their conscientious convictions. A very serious responsibility rested on this country in the matter, and it was, therefore, our duty to do, as soon as possible, everything that lay in our power to clear ourselves from the effect upon the nation and the world of a belief in our criminality in this trade—a trade which was contrary to the feelings and to the interests of the whole Chinese people. Our prestige did not rest upon mere physical force, but also upon moral grounds, and he urged that something ought to be done at once to show that

we were taking the subject into our serious consideration, with a view, at any rate, to clearing ourselves from the responsibility which hitherto attached to us. The Chinese had been resisting this traffic with all their power, whilst England had been doing everything it could to force it upon them; and the only intelligible argument he had ever heard advanced in support of such a course on our part was that the traffic was yielding us a large Revenue. It was simply a question whether our moral reputation was not worth more than even the large sum we were deriving from the opium trade.

MR. LAING said, that having given that question much anxious consideration when he was Finance Minister in India some 12 years ago, he wished to address a few observations upon it to the House. Those observations, fortunately, would be short, because much of what he had intended to say had been said already very ably by the hon. Baronet the Member for Kirkcaldy (Sir George Campbell), who from his former position as Lieutenant Governor of Bengal, spoke with great authority on that subject. He might say generally that he agreed to a very great extent with the remarks and the line of argument of that hon. Member, only he felt somewhat more strongly than that hon. Member did the impolicy of any attempt to interfere in accordance with English ideas or English sentiments with the practical administration of affairs in India; and he had more confidence than, perhaps, that hon. Gentleman had in the good sense of the House and of the English people, when fairly appealed to, not to attempt to import English ideas into the Government of that great Empire, and, above all, into its financial administration. He had great respect for philanthropy which was philanthropy at its own expense, but little for philanthropy which was philanthropy at the expense of others. If they endeavoured, on account of some conscientious scruple, to force measures on the Government of India which would cause a sacrifice of between £6,000,000 and £7,000,000 of Revenue, they ought to say whether they were prepared to make up for that loss, or for any part of it. How was it proposed to supply the deficit? Were they prepared to pay the bill, or any part of it? If not, who was to pay it? Surely not the poor Hindoo ryot. If the Government of India were

*Sir George Campbell*



to double or even treble the salt duty it would not suffice, and he did not suppose any philanthropist would recommend such an expedient as that of taxing a necessary article consumed by the people for whom we were responsible, for the sake of those who indulged in a drug, and for whom we were not responsible. After repeated attempts to impose it, the income tax had been withdrawn, to all appearance finally; and as to that tax, it had not at the very highest produced more than a fourth of the sum derived from opium. Was it desired that they should unsettle the land settlements and break faith with all the cultivators of the soil in order to increase the Land Revenue—which it would be necessary to do to the extent of 25 or 30 per cent, if they wanted to make up the amount of the revenue from opium? Or were they prepared to allow a heavy import duty on Manchester manufactures? They would not by that means get nearly what they sacrificed, but it would be an evidence of sincerity. No one could suppose, however, that such a duty would be tolerated by this country. Some practical substitute must be shown, and it must be a substitute which would not fall upon the vast and poor population for whom we were trustees. For his own part, his opinion was identically the same as that of the hon. Baronet, for he had arrived at the conclusion that the case of opium and that of alcohol stood substantially upon the same footing. The same arguments that were used against opium might be used against gin and whisky. As to the prevalent idea that a man who took a small quantity of opium felt compelled to increase the indulgence to an extent utterly ruinous, it was no more true than it would be to say that every Scotchman who drank a glass of whisky became a confirmed drunkard. Of course, there were opium smokers in the large towns in China as there were whisky drinkers here, who ruined themselves, but when they came to regard the consumption of a great nation, £8,000,000 sterling worth of opium being consumed every year by the population of China, would any one say that that enormous quantity was consumed by men in this deplorable condition? He had often heard it said that it was common to see the Chinese workman, when his dinner hour came, sitting down under a tree and taking his

meal, and, after it, swallow a minute quantity of opium—just as an English labourer might smoke a pipe—and in 10 minutes more get up and resume his work. If a man did a great deal of hard work in the open air a little opium, like a little alcohol, did not seem to have much effect; but, no doubt, it was a very different case in the stews of great cities, where the indulgence was carried on to a ruinous extent. The truth was that there was much to be said upon both sides. The intoxication caused by opium was less violent in its character than that occasioned by alcohol, and less crime was committed in Singapore under the influence of the former than there was in this country under the influence of the latter. It was very easy, of course, to get up evidence as to the frightful effects of opium, but such evidence could not always be implicitly relied on. At Singapore, while the Chinese took their opium, the Europeans drank arrack, and the Native population took tobacco and betel nut. It was found that the Chinese were worth three of the Natives, and therefore it could not be said that the human frame deteriorated under the influence of the nervous stimulant which they so freely used. Under the circumstances were we in a fit of virtuous indignation to destroy so productive an Indian industry for the sake of moral considerations, while we continued to raise the greater part of our own revenue from alcohol? It would be most unjust if we were to bethus cheaply virtuous at the expense of 200,000,000 of the poor toiling wretched ryots of India, for whom we were the trustees, and whom we ought to endeavour to raise in the scale of comfort and of civilization. As to the mode of collecting the revenues, he disapproved altogether of the proposal to abolish the Government monopoly on opium, and to raise a revenue from the drug by means of an export duty. A very important argument in favour of maintaining the present monopoly was, that it was the means of regulating the supply and consequent price of the article in China. If they abandoned the Government monopoly there would be great variations in the price of opium. In the event of their running the price up exceedingly high, in the first instance the Government of India might gain by it, but the inevitable effect would be to lead to the



ruin of the trade by occasioning vast fluctuations in the price of the drug and by encouraging Chinese competition, and it would give rise to a large amount of smuggling. The revenue which we derived from opium was not a precarious one, but was a continually increasing one, being based on the growing demands of a large portion of the human race. Having by the accident of circumstances almost a monopoly of that article in India, we wisely and properly took advantage of that fortunate circumstance to alleviate the burden of taxation upon our immediate subjects in India. Those who wished to abolish this source of revenue ought to show what other practical course they proposed to substitute for it. He regarded the great danger to our Indian Empire as being not Russian aggression, nor Indian disaffection, nor another Mutiny; it would arise from the wish to govern India from home in accordance with Indian ideas and English sentiments. As far as he knew, every time that English public opinion had been so brought to bear as to interfere and overrule with the action of those who were responsible in India for the government of India, the result had been disastrous. He asked the House, therefore, to beware how they did anything of that sort in the dangerous matter of Indian finance. His experience showed him that, however much to be applauded were the motives of hon. Gentlemen who brought forward Motions like the present, in nine cases out of ten they did harm rather than good. Let the best men be selected for the government of India, then let the responsibility rest on them, and they would find those gentlemen infinitely more likely to be right than hon. Members here at home could possibly be. He deprecated any attempt to prescribe to the Government of India a course the practical effect of which must be inevitably to lay a further heavy burden upon the already severely-taxed people of India.

SIR JOHN KENNAWAY said, the House ought to accept with all respect the caution given it by the hon. Gentleman who had just spoken, experienced as he was in the affairs of India. At the same time, he (Sir John Kennaway) asked himself whether the hon. Gentleman had not gone too far in deprecating any interference in the affairs of India on the part of the House of Commons. The policy recommended would be a

retrograde policy from that which was adopted when England took the responsibility of governing India out of the hands of the East India Company. He quite admitted that the present was a great financial question, and that the loss of Revenue would be a very serious matter. But the moral reputation of England ought to be dearer to the House than her financial reputation, and if the system under discussion was wrong, it ought to be terminated, no matter what might be the consequences. Whilst we took a high moral tone with the Sultan of Zanzibar and with other foreign rulers, we could not well ignore the question of whether what was being done was morally right or wrong. The objection made was not to the raising of a revenue from opium, but to the mode in which it was raised, the Government undertaking all the functions of trader and speculator, and encouraging the growth of what was admitted to be a noxious drug when money was not abundant. With regard to the Chinese, an unjust distinction was, he thought, drawn between the responsibility of the Government of India and of the Imperial Government. That responsibility was one, and could not be divided. There was a very strong feeling amongst the Chinese on the subject, for they regarded the English as responsible for the drug coming into their country by the peculiar mode in which its growth was encouraged and fostered, and would not do anything towards admitting our trade and manufactures whilst we continued our present course of proceeding. Moreover, the time had come when the Chinese might demand a revision of the Treaty of 1860, and insist upon closing their ports, and we should have great difficulty in resisting their demand. In such a course they would be backed by the Americans who, at that time, sent their Navy to protest against the opening of the ports, and it was very likely that Russia might back up such a demand. What was asked of the Government of India was that they should gradually withdraw from the production of opium, and limit their experiment to the raising of revenue by a licence, and surely that experiment could be tried in one portion of the country. The House had now before it a moderate proposal which, as it did not ask for the entire abrogation of the

*Mr. Laing*

duty, was not open to the charge of rashness in sacrificing a large revenue, but which asked the Government to proceed tentatively to redress a moral wrong. Upon the grounds, therefore, both of the immorality of the thing and of the possibility of the opium revenue being brought to an end, it was advisable that the Government should cease to regard the opium traffic as a permanent source of revenue, and he thought that, under the circumstances, the House would do well to support the Motion.

GENERAL SIR GEORGE BALFOUR said, that having been employed in the first War of 1840 with China, and usually, but unfairly, called the Opium War, and having gained some information when employed in that country subsequent to the War as Consul, upon the opium trade, he felt much confidence in saying that as the Chinese had never shown a real and sincere wish to prevent opium from being conveyed into that country, he considered it right to be cautious how we forced our reforms on a nation disinclined to the reformers. He happened to be present in 1843 at Hong Kong after the first war with China, when an offer was made by the two Chinese Commissioners, Keyung and Whang, who, after their visit to Hong Kong, and on their return to Canton, wrote out on board the steamboat, and sent the written proposal by our then able Chinese Secretary, Mr. John Morrison, to Sir Henry Pottinger, stating that if the British Government would agree to pay the sum of \$3,000,000, we might introduce into China any quantity of opium that we liked. He recommended Sir Henry Pottinger to avail himself of that offer, because he foresaw the difficulty which would be caused by the opium traffic. [Mr. MARK STEWART: When was that offer made?] It was made in July, 1843. The document relating to it, and which was submitted to Sir Henry Pottinger by Mr. Morrison, containing the translation of the Commissioners' proposal, was written in his house, and was now a part of a Parliamentary Paper, laid before Parliament so far back as 1857. He (Sir George Balfour) a few months afterwards sailed for the North China Sea, and established the port of Shanghai, which was one of the five ports allowed to be opened under the Treaty of Nankin. He selected this

port in spite of the disadvantage of its being then a great mart for the sale of opium, which was introduced into China by Chinese, who took the opium out of vessels outside the port, but because, being a central part of the Empire, he was confident that a vast commerce would spring up with that part of China. The opium traffic was, as he had anticipated, the cause of trouble, because it was carried on at the mouth of the river that led up to Shanghai. He (Sir George Balfour) was comparatively young at the time, and his feelings were certainly against forcing the opium into the Chinese territory against the will of the Chinese; and was then well inclined to prevent those evils which the improper use of opium caused. But so long as the opium vessels which then sailed under other than the English flag kept beyond the jurisdiction of the Consular office which he held at Shanghai, there was no power or pretext to interfere with this traffic, which the Chinese, openly it may be said, carried on with these vessels; but on three British vessels inside the limits of the port mixing themselves up in it, then the conditions were changed, and he thought that he had a duty to perform as an official of the English Government in preventing British subjects violating the Chinese prohibitory laws, and he seized these three vessels for contravening, as he thought, the laws of China. A very proper censure was, however, conveyed to him by Her Majesty's Plenipotentiary, and which was in part set forth in the Parliamentary Return above referred to, for undertaking to perform duties for the protection of China and its people which belonged to the Government of China to discharge, but which they showed neither inclination nor wish to perform. Sir Henry Pottinger was succeeded by Sir John Davies, who, in one of his despatches in the Return quoted, stated that Captain Balfour, at Shanghai, reported that the local Government had no desire to receive information as to the evasions carried on in the opium traffic. He ought also to mention that in the year previous, during the negotiations at Nankin, Sir Henry Pottinger had frequent communications with high Chinese authorities about the opium trade, and it was undeniable that the Chinese officers were very indifferent indeed with regard to the opium traffic.



Having served in China during the first War, he must remark on the statement of the hon. Member for South Durham, (Mr. Pease) that he should never have thought of being accused of carrying on a war with China on account of opium. That war was, no doubt, occasioned by Commissioner Lin, who opened the crusade against opium; yet the cause of the war was not opium, but the forcible seizure of our merchants who had a right to live in Canton, and to carry on their trade there, and who were forcibly detained, along with our Representative, as prisoners, and forced to give up property to save their lives. There was at present a Member of the House whose firm was obliged to give up a stock of opium at Canton which had not only not been brought from Calcutta, but not even purchased from the Government of India. No more injudicious act than that forcible seizure of our merchants to give up opium could have been committed by Lin, because the opium trade, which had up to that time been confined to the mouth of the Canton River, afterwards spread over all the rivers in China. After all, less evils were caused from the consumption of opium than from the use of ardent spirits. Our 80,000 chests of opium sent into China were quite insufficient to bring about all the serious consequences with which the opium trade was charged. No doubt, the abuse of opium was productive of great evil, but so also was the spirit produced in foreign countries and imported into the United Kingdom with the consent of the people of this country, or rather with that of Parliament. In China it was different. Opium was prohibited, but yet it is said to have been freely used in the Imperial Palace. Mr. Wade and Sir Rutherford Alcock have both borne testimony, in the strongest terms, to the laxity of the Chinese authorities in resorting to the measures necessary to carry out their assumed hostility to the opium traffic. As to the reported extensive and increasing cultivation of opium by the Chinese themselves, he did not believe it. The same thing used to be said when he was in China; but, as far as he could judge, the cultivation of opium had been very little extended since that time, and no country in the world could produce opium to compare with that of Malwa, Benares, and Patna. No doubt, with

this superior kind of opium the inferior China and Turkish opium was mixed, and it might be that adulteration was now better known and more extensively used with the large increase of the supplies of Indian opium, which were doubled since the first war with China. This augmentation might have given rise to the notion of increased cultivation in China; but even if true, the fact only showed the laxity of the Chinese officers in respect to this produce, now prohibited to be either grown or imported. With regard to the demand that India should change its present practice of levying a large Revenue from the opium exported to China, he would beg the House to bear with him when he pointed out that, having served in India, he knew that several Ministers had endeavoured to grapple with the question, but none of them had had either the skill or the courage to try an experiment with the Revenues of the country derived from opium. That Revenue amounted to nearly one-eighth of the total gross Revenue of India, and more than one-seventh of the net Revenue, and bore nearly the same proportion as that of the Excise on spirits to our entire Revenue. It was thus a most important item, and one that few would have the boldness to treat with in the easy way now urged in the House. He knew of statesmen who had most anxiously desired to modify the present monopoly of Bengal opium, so as to levy a toll or an Excise tax, as on the opium; but it was far more difficult, if not impossible, to do so with the opium of Patna and Benares than it was with the opium of Malwa, owing to the geographical character of the Provinces being so different. Further, he (Sir George Balfour) would point to the fact that Sir Charles Trevelyan went to India in 1862 almost pledged to change the Bengal system, but found it impracticable. And Sir Bartle Frere, one of our ablest and most pure-minded statesmen, earnestly and sincerely directed his close attention to this opium question, but abstained from changes, though he had the support of Lord Canning; and although the present Finance Minister (Sir William Muir) was opposed to the opium traffic, he (Sir George Balfour) did not believe he would be able to make any change. The question was purely one of finance, and

*General Sir George Balfour*



he could not see the possibility of raising by other means the amount that was derived from the manufacture and export of opium. He thought, on the whole, that the best course would be not to press the Motion now before the House, but to leave the matter for the present in the hands of the noble Lord the Secretary of State for India, who might, in the course of a year, as the result of continued investigation and thought, hit upon a plan which would solve the difficulty.

MR. E. NOEL said, he agreed with the hon. Gentleman the Member for Wick (Mr. Laing), that it would not be possible to govern India by English ideas, seeing that we had to deal with a people in utterly different circumstances to ours; and, therefore, to deal with them as if they were a free people like ours, was utterly impossible. It was, however, news to him that we were not to deal with the people of India on a moral basis—and that, though we were to treat them as an Oriental people, and not as a Western one, we were not to consider in dealing with them the great principles of morality. He utterly repudiated such a doctrine as that. It was said that the opium question was not to be dealt with, because the people of India were not to be called upon to pay for the whims of England. He agreed with that; but he would remind the House that it was an English whim in the interest of an English company which first called upon India to raise a revenue by the growth and export of opium. The question how the Revenue of India could be raised if the cultivation of opium by the Indian Government were stopped, was the great difficulty; but the House ought to stimulate the Government to see if they could not grapple with that difficulty by finding means to raise the Indian Revenue without encouraging the traffic in opium. It was the opinion of many Indian statesmen who had looked into this question, that we might restrict the area on which at present the Government made advances to the Bengal ryot for the growth of opium, and that if certain districts were left free for speculators to go into this trade, we might not at once be called upon to lose that great amount of revenue which it would be almost impossible for an Indian Financial Secretary at this moment to deal with. It

was known that Sir William Muir was anxious to have the cultivation of opium by the Indian Government stopped, and that he believed he would be able to discover means of meeting any deficiency in the Indian Revenue which would be occasioned by that course; but it was not likely that he would undertake the task unless he was supported by a strong expression of enlightened opinion at home. It was, therefore, the duty of the House to pass a Resolution which would encourage Sir William Muir in the good work which he was desirous of undertaking. If the Government would show a desire to put an end to the Government monopoly, our relations with China would be improved, and this dreadful blot would soon be removed from our escutcheon.

MR. W. W. BEACH said, he wished to make a few remarks on this subject, as he had been a Member of the Indian Finance Committee. His wish was that an end be put to this immoral traffic in opium, but he feared there were difficulties connected with the question which must necessarily exist. As an independent Member of the Committee he studied the subject with the most profound attention. As to the Chinese, we were not responsible for their tastes, any more than they were for the tastes of some of our own countrymen. He feared they had had for many generations a pernicious taste for opium, as in this country some people were given to alcoholic liquors. The opium grown in India had a flavour which the Chinese liked better than that of the opium grown in China, just as the Chinese tea was superior to that grown in India; and the anxiety of the Chinese Government to stop the importation of Indian opium was not so much owing to their wish to promote the morality of the Chinese people, as the growth of Chinese opium. With regard to the comparative advantages of the State selling the chests of opium or of levying an export duty, from the evidence given before the Committee it was abundantly plain that while the one system was adapted for the Western part of India, the other system was best adapted for the East. The opium exported from Bombay had to be carried by long journeys over land, and therefore it was easy to prevent smuggling, and an export duty might be imposed upon it; but the case was

far different when it was transported for a short distance by water. He feared it would be extremely difficult to change the monopoly system into an export duty system, as the result would apparently be to encourage illicit traffic to the detriment of the revenue; but still the subject was well worth inquiring into, and if the authorities could see good grounds for altering the system, such a course would be of the greatest public benefit.

MR. M'LAREN said, the Resolution moved by the hon. Member for the Wigtown Burghs (Mr. Stewart) was quite explicit. No one could mistake its meaning; it was that that House should gradually withdraw from the opium traffic between India and China. The Amendment proposed to that Resolution was, however, a very different thing. The hon. Baronet the Member for Kirkealdy (Sir George Campbell), arguing in favour of the Amendment, seemed to indicate every possible way to diminish the traffic and put an end to it; and then having set up one plan after another successively, he knocked them all down, and seemed to show not only that there was no room at present for anything to be done, but no probability of anything arising in future. He (Mr. M'Laren) considered the speech was the most out-and-out defence of the opium system he ever heard advanced. We had done a great moral wrong in forcing that drug on the Chinese, and he considered the Treaty the most iniquitous one that had ever been forced on any foreign country. With that view, his remedy was exceedingly simple—abrogate this forced Treaty at once. No doubt, the quantity exported from India would gradually diminish; but it would not diminish all at once, and in time the Government would be no worse off than now.

LORD GEORGE HAMILTON said, he did not think the hon. Member who had just spoken (Mr. M'Laren) was aware what would be the result of abrogating the Treaty. Sir Rutherford Alcock had expressed a very decided opinion that if the Chinese were left unfettered by the Treaty they would at once expel—if they did not exterminate—all the Protestant Missionaries from the country. The hon. Member surely was not anxious to bring about such a result as that? There had been that

evening a most interesting discussion on the whole question of the opium revenue and trade of India. His hon. Friend who introduced the Motion (Mr. Stewart) suggested that certain alterations should be made, and that the system of excise and export duty now in force in Bombay should be tried in Bengal in place of the monopoly system at present existing there. His hon. Friend seemed, however, to argue against any revenue whatever being derived from opium.

MR. MARK STEWART explained that he did not argue against prohibition at all, but wished to do away with the Bengal system and to substitute for it the system which was in vogue in Bombay.

LORD GEORGE HAMILTON said, it certainly seemed to him that his hon. Friend's words implied direct condemnation of any revenue being derived from opium. One fact must have struck hon. Gentlemen who had listened to the discussion as being very remarkable. There had, indeed, been a complete conflict of opinion between hon. Members. Every speaker who had had any official experience of India pointed out the danger, if not the impossibility, of abandoning the revenue; whereas hon. Gentlemen who had advocated the abolition or alteration of the mode of raising the revenue, and who were doubtless actuated by the best of motives, looked at the question merely from a philanthropic, and not from a practical point of view. Two fallacies underlay the statements of both his hon. Friends who had brought forward this Motion. They appeared entirely to forget, in the first place, that there was no nation in the world which did not in some shape or other take stimulants. Secondly, they forgot that in a large portion of Asia—not only in China, but also in Assam and Burnah—the stimulant taken by the natives was opium. We drank beer, the Irish and Scotch took whisky, Americans chewed tobacco, and the Chinese smoked opium. The latter took opium because it was the form of stimulant best adapted to the climate in which they lived. Sir Rutherford Alcock pointed out that there were certain medicinal properties in opium which made it sought for by the inhabitants of marshy and malarious districts, and hon. Members who lived in our own fens must be aware that there was a large consump-

tion of opium and laudanum in that part of England. Such being the case, it was not fair to put upon the Indian Government the responsibility for the immoderate use of opium by the Chinese. It had been assumed that it was entirely owing to the action of the Indian Government that the Chinese smoked opium. Why was the smuggling of opium carried on? Because the people wanted it. Was it likely that it would be grown in India and that merchants would take to smuggling unless there was a strong disposition on the part of the country to which it was sent to consume opium? Mr. Cooper and Sir Rutherford Alcock pointed out that the habit of opium smoking had existed in China for centuries. It was perfectly true that in Eastern China the opium chiefly used there came from India; but Mr. Cooper stated that he had travelled all over Western China, and found that the people there cultivated opium more extensively than in the other parts of China, and yet in Western China Indian opium was almost unknown. If he might venture to suggest it to his hon. Friends who differed from him, he could not help thinking that they accepted too readily the instances of persons who made an immoderate use of opium, and drew from it a general deduction that every one who indulged in it was completely demoralized, physically and morally. There was very remarkable evidence bearing on this point. There could be no question that the Chinaman who smoked moderately could do an amount of work which no native of any other country could perform. There was a very remarkable report which had come home quite recently from a Consul in China whose territory was in the western part of the Empire, and who once held opinions similar to those expressed that evening. This gentleman had at first partaken of the nearly universal belief that the use of opium was entirely demoralizing to the individual who was addicted to it, and he gave his experience, which was extensive, and which induced him to alter his opinion. During his journeys he came into the closest relations with men who smoked. Their work was of the hardest and rudest—and the attention of the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) was called to this—they had constantly to strip and

plunge into the stream in all seasons. The quantity of food they ate was simply prodigious, and the two most addicted to the habit of smoking were the pilot and the ship's cook. On the steadiness of nerve of the former the safety of the junk depended, and yet they seemed to be almost independent of sleep or rest. The Consul added that though he did not wish to say that opium smoking did no harm, his opinion with regard to it had been much modified, and he was bound to admit that it could be smoked without injury. This was testimony of undoubted reliability, and the result arrived at was the same as the decision previously arrived at by other persons. Mr. Cooper, in his evidence, said that the habit of smoking was very prevalent among the Chinese. He said that if you suddenly cut off the supply of opium, one-third of the whole nation would die; and he added that so long as it was used in moderation, it was not detrimental to health, and that the people who smoked it were able to perform an enormous quantity of work. He might quote another important authority, who declared that the Chinese would have opium; that if the Indian Government prohibited its growth and export, no good would be done; and that the Indian Government conferred a great benefit on that part of China to which they imported opium. One of the great evils of China was over-population, and if the opium was not imported, the Chinese would cultivate it in place of cereals and other food. He was aware that opium smoking was prohibited in China under pain of death. Who was the Emperor who passed that law? He was the Sir Wilfrid Lawson of China. He was a man determined to put down the use of opium and all stimulants, and seeing his son one day smoking he instantly ordered his head to be cut off. This law, however, was now a dead letter, and no one attempted to enforce it. He hoped his hon. Friend (Sir Wilfrid Lawson) would draw some little deduction from this excessive prohibition, for he had little doubt if his hon. Friend was successful in enforcing his particular principles his descendants would find that the law in which they were embodied was equally disregarded. Two different lines of argument were adopted on this question. They were told on the one hand that the source of revenue was



precarious, inasmuch as the cultivation of opium was extending in China; and, on the other hand, they were told they must prohibit the importation of opium into China, because it was owing to the Indian opium that the Chinese people were perishing. Something of the same kind was put forth in a pamphlet which he held in his hand, and which was published upon the authority of the Anti-Opium Society. In a statement made this year, and signed by 16 Chinese Missionaries, it was said that the growing demand for foreign opium had been checked by native cultivation, and that it might cease altogether from that cause, while the consumption increased. But having made that remark, they went on to make this most extraordinary suggestion—

“There is now, therefore, an opportunity for Great Britain, by a noble act of self-sacrifice, giving a check to the consumption of opium in China by checking the supply.”

That was surely a most inconsistent argument. The real fact of the matter was, that whether they stopped the importation of opium into China or not, the Chinese would have opium; and therefore it was not fair or accurate to place on the head of the Indian Government all the evils which ensued from the immoderate use of opium. As to the suggestion of the hon. Member for Wigtonshire, that they should abandon the Bengal and adopt the Bombay system, he did not see if it was wrong to derive any revenue from opium, why it was right to get it by excise or import duties. His hon. Friend the Member for Kirkcaldy (Sir George Campbell) considered this a proposal for sacrificing a considerable portion of revenue for an idea. He quite understood that there might be certain hon. Gentlemen who considered it wrong of the Indian Government to associate themselves in any way with the cultivation or manufacture of opium; but if he could show that every one of the evils which the hon. Member deprecated under the present system would be increased ten-fold by the proposal the hon. Member made, and that the amount of opium that would be imported must be doubled or even more largely increased, he thought it would be admitted that the suggestion made was not one which would be adopted by even the supporters of the Anti-Opium Society. In Assam the people were al-

lowed to cultivate opium, and the result was the whole population became demoralized. That was because there was no restriction, no regulation, no control exercised, and women and children were in the habit of sucking rags saturated with the drug, a mode of consuming the drug most deleterious, and resulting in almost perpetual intoxication. Unlimited cultivation of opium was therefore now abandoned, and a new system had been adopted in Bengal, by which the persons engaged in the cultivation of opium were the healthiest and sturdiest of the population. Therefore, the first way in which his hon. Friend would improve the condition of the people of India would be to demoralize a large portion of them. Then as to the next point. In the Finance and Revenue Accounts of India we had in one page the net revenue derived from the system in Bengal and the system in Bombay, and in the next the total number of chests raised each year in both those Provinces. From these accounts there was this remarkable fact apparent—that though the number of chests annually sent from Bombay very frequently exceeded the number sold in Bengal, yet in only one single instance was the revenue from Bombay in excess of the revenue from Bengal. But there could be no question, if the proposal of his hon. Friend were adopted, that one-third of the net revenue derived from opium in Bengal would be lost. In 1872-3 the output of opium in Bengal was some 42,500 chests, and the net revenue £4,259,000. The output in Bombay was 44,000 chests, or some 1,500 in excess of that of Bengal, and yet the revenue was £1,600,000 less than in Bengal. Therefore, the first result of the proposal of his hon. Friend would be a very large loss to the revenue, which should be made up by increased production. Accordingly a very much larger quantity should be carried into China or there would be a large loss to the revenue. Then there was another point. We found it necessary to state in Calcutta each year the quantity of opium to be sold in the next year, and thus a degree of certainty was introduced into the trade. Bombay was dependent on the Bengal trade, and if we rendered the output uncertain, it would be impossible to depend with any accuracy

on the supply from Bombay. It would fluctuate, as had been already pointed out, by millions, from year to year, and therefore it would be impossible to adjust the balance between income and annual expenditure. But every financier of eminence had laid it down that if you wished to adjust your expenditure to your income, you must know, with some degree of certainty, what your income is likely to be. There were, therefore, four objections to the proposal of his hon. Friend. The first was, that it would demoralize the people, the second, that it would cause the loss of a large amount of revenue from Bengal, the third, that we should introduce an element of uncertainty into the income, and the fourth, that we should never be able to adjust our expenditure to our income. He quite admitted that if the Government of India could raise their revenue otherwise, it would be better not to raise so much from opium. But we were a practical people and must adopt practical methods. The hon. Gentleman (Mr. Laing) had said that we should not attempt to govern India from the House of Commons by abstract Resolutions. He agreed with that opinion. It had been said that Sir William Muir was most anxious to surrender this revenue, but he could not do it. Why? Because he was the Finance Minister of India. It was urged that he would be supported by the enlightened opinion of the House of Commons. But the enlightened opinion of the House of Commons would not furnish him with resources, nor relieve him of his responsibility as Finance Minister. It might be wrong to smoke opium, but why was it proposed to enter upon a course of policy which would increase the burden of taxation upon those who did not smoke opium? No doubt, the expenditure of the Government of India had increased very much during the last 10 or 15 years. His experience was, of course, limited; but he felt bound to say he did not see any prospect of materially reducing that expenditure. We had to maintain a large European Army in India, the whole strength of our administration there was European, and the cost of importing Englishmen for our administration and our Army was annually increasing. But if this opium revenue be abolished, we must do one of two things—either largely reduce our

expenditure, or impose additional taxation on the people of India. Which alternative would his hon. Friend accept? If we largely reduced the expenditure, we must put a stop to measures which were largely adding to the moral and material prosperity of the country. One of the pleas for our remaining in India was that we were giving the people a better Government than they ever had before. But if you reduced the revenue, you at once cut away from yourselves the power of doing much for the amelioration of the condition of the people. He admitted, however, that when so large a portion of revenue depended upon the habits of a foreign nation, a revolution might occur in their habits which might make it difficult to realize that revenue hereafter. He therefore quite agreed with the line of argument of his hon. Friend the Member for Kirkcaldy (Sir George Campbell), who had pointed out that the system on which opium was manufactured should not be extended, because the revenue was to a certain extent precarious. At the same time he hoped he had given the House sufficient practical reasons for rejecting the Motion of his hon. Friend. His hon. Friend had come forward as the Representative of the Society for the Suppression of the Opium Trade. If the Motion of his hon. Friend were adopted, what would be the result? The Revenue would be greatly diminished, and in three or four years he might come down again and ask, as it was now so low, what was the use of retaining it at all? If the House adopted the proposal of his hon. Friend, it would be possible for him to take that line of argument. He therefore felt bound, on the part of the Government, to offer his decided opposition to the Motion.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 94; Noes 57: Majority 37.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.



CIVIL SERVICE AND REVENUE  
DEPARTMENTS.

## VOTES ON ACCOUNT.

SUPPLY—considered in Committee.

(In the Committee.)

(1.) £1,122,600, Further Vote "on account" of the following Civil Services, for the year ending 31st March 1876. [Then the several Services set forth.]

Mr. GOLDSMID complained that such large sums should for the second time this Session be taken on account. He objected to the system, which he considered was destructive to Parliamentary control, and was surprised that the Government should adopt it after the views they had expressed whilst in Opposition. They had really gone beyond their Predecessors in the matter of Votes on Account, for they came down now at the very end of the month of June to ask for a second Vote on Account of more than £1,000,000, which would carry them on to the end of July. He wished to hear something from the Secretary to the Treasury on the subject, so that the House might know what to expect for the future.

Mr. W. H. SMITH quite agreed that the practice of asking for second Votes on Account was exceedingly undesirable, and one which every Government ought to avoid; and he admitted that he had with his hon. Friends opposed the late Government in this practice. But the Government were not now asking for anything more than their Predecessors asked during all but the last Session of the last Parliament; and the Vote now proposed was only for the month now drawing to a close. Whilst regretting very much that the state of Parliamentary Business this Session had delayed Supply, he trusted that the assurances which had been given by the Prime Minister would satisfy the House that there was no intention on the part of the Government to withdraw from the House any part of its control over the expenditure. He would endeavour to remedy the objectionable state of things for the future.

Mr. GOLDSMID said, that, after the fair and candid statement they had just heard, he would not offer any further objection to the Vote.

Vote agreed to.

(2.) £260,000, Further Vote "on account" of the following Revenue Departments, for the year ending 31st March 1876:—

	£
Post Office Packet Service ..	80,000
Post Office Telegraphs ..	180,000
	<hr/>
	£260,000

## CIVIL SERVICE ESTIMATES.

CLASS II.—SALARIES AND EXPENSES OF  
PUBLIC DEPARTMENTS.

(3.) £25,201, to complete the sum for the Charity Commission (including Endowed Schools Department).

(4.) £15,083, to complete the sum for the Civil Service Commission.

(5.) £13,904, to complete the sum for the Copyhold, Inclosure, and Tithe Commission.

(6.) £6,500, to complete the sum for the Inclosure and Drainage Acts Imprest Expenses.

(7.) £34,125, to complete the sum for the Exchequer and Audit Department.

Mr. GOLDSMID said, that if he were correctly informed there was a very large expenditure in the Office of Works—namely, that for Palace furniture—which did not come under the control of the Audit Department, and asked whether, if such were the case, it would not be advisable to have a real and not an imaginary audit? The whole expenditure of the country ought to come under the same system of audit.

Mr. W. H. SMITH said, he was surprised to find that the hon. Member for Rochester was under the impression that the accounts of the Board of Works were not audited, because in point of fact they were subjected to a very minute and careful audit. He was far from depreciating the care and authority of the auditor, because, unless his duty was most effectively exercised, the audit would lapse into a mere farce. There was therefore an earnest desire on the part of the Chancellor of the Exchequer and himself to do everything they could to make the accounting for public funds as perfect as possible.

Mr. GOLDSMID thought the hon. Gentleman did not give any explanation on one part of the question he asked. According to previous arrangements the Chief Commissioner of Works was constituted the auditor of the accounts of the Board of Works, but now it was



transferred to the Secretary; so that, in point of fact, the spending officer was the auditor of his own accounts. Therefore, he maintained that the new arrangement was very unsatisfactory.

MR. SOLATER-BOOTH said, he was Chairman of the Public Accounts Committee at the time the change alluded to was made. The hon. Member for Rochester was mistaken when he attempted to draw a distinction in every Department between the spending and the accounting officer. It would, he believed, be found that there was no such distinction. The Committee recommended that the Treasury should look through the whole of the Civil Service, and appoint a civil servant of the highest class to be the accountant of each Department. It did not occur to them that the political chief of a Department was a proper accounting officer.

MR. GOLDSMID expressed himself still dissatisfied with the explanations given.

MR. W. H. SMITH said, that the accounting officer had to satisfy the Controller and the Auditor General and the Public Accounts Committee that the expenditure had been properly incurred.

GENERAL SIR GEORGE BALFOUR urged that the present arrangement in regard to appointing the Secretary and Senior Assistant as the special accountant of the expenditure of the Chief Commissioner of Works, was objectionable, and that at the Office of Works they had a wrong officer to account for the money. It was not so with regard to the Board of Trade, and other offices; the head of the Department was the accountant, and the proper one for all expenditure; where the duties were onerous, as in the case of some offices, then a subordinate officer was selected to account for the money. The Works Department, on the contrary, had the officer appointed for this duty, who was specially charged with the duty of aiding the Chief Commissioner to look after the proper outlay of all public monies, but by being made the accountant, he had conflicting functions to perform of having one day to advise, and the next day, to see to the propriety of the expenditure.

MR. WHITWELL called attention to the increase in the Vote for the second section of the second-class clerks of the directing branch from £2,905 to £4,895.

MR. W. H. SMITH said, he had noticed the discrepancy, but it arose from the higher amount paid to those in that department.

MR. BUTT called the Chancellor of the Exchequer's attention to the fact that, owing probably to inadvertence in drawing the Act for the abolition of the Commission of Audit and the appointment of a Controller and an Auditor General, the accounts of certain local bodies which were formerly audited by the Commission now might undergo no audit at all.

THE CHANCELLOR OF THE EXCHEQUER said, that when the new system was established, the functions of the Controller and the Auditor General were confined to public accounts and such accounts as the Treasury might specially direct to be audited. In consequence of that there might be local bodies which had slipped out of audit altogether; and he agreed with the hon. and learned Gentleman that it was exceedingly desirable that some provision should be made for the audit of local accounts.

*Vote agreed to.*

(8.) £2,198, to complete the sum for the Registrars of Friendly Societies.

LORD FREDERICK CAVENDISH inquired whether any alteration would be made in the amount of the Vote, in consequence of the Friendly Societies Bill if it passed into law?

THE CHANCELLOR OF THE EXCHEQUER thought it was not probable that any change would be made in the Vote.

MR. MELDON wished to know upon what principle the Registrar of Friendly Societies in Ireland, who received £150 a-year salary for his services, also received an allowance of £100 a-year for a clerk? He should also like to know whether he produced any voucher for the £100 a-year alleged to be so paid?

MR. SULLIVAN: Some of us happen to know that these offices are farmed out.

MR. W. H. SMITH: I should be exceedingly happy to get any information from hon. Members that would enable the Treasury to reduce the charge.

MR. BUTT: I am bound to say that the gentleman who fills the office of Registrar to Friendly Societies in Ireland would be the last man who would be guilty of playing any trick upon the Treasury. He is a gentleman who fills

the office with credit, and in a very honest, honourable, and conscientious manner.

GENERAL SIR GEORGE BALFOUR pointed out how the account could be checked, by merely seeing whether the allowance was actually paid away on a voucher signed by the clerk, employed by the registrar, or whether it was a personal allowance paid to the registrar on his own signature, leaving to him the responsibility for having the clerical labours performed in the way most economical and convenient to himself.

MR. MELDON repeated his question how it was that the registrar who was paid £150 a-year for the performance of his duties put down an allowance of £100 a-year additional for his clerk.

THE CHANCELLOR OF THE EXCHEQUER: I do not know in what way the Registrar in Ireland arranges; but this I do know—that it is true that the Registrar performs his duties in a very efficient and satisfactory manner, and that he is a very able man.

*Vote agreed to.*

(9.) £521,529, to complete the sum for the Local Government Board.

MR. DILLWYN asked for an explanation of the sum of £2,000 paid to the medical officer?

MR. GOLDSMID inquired how it was that there was a decrease of £730 in the salaries of Inspectors of Work-house Schools, a most meritorious class of public servants?

MR. SCLATER-BOOTH said, that the medical officer of the Local Government Board was under the control and order of that Board. A salary of £2,000 a-year was secured to him by Act of Parliament, he having enjoyed that as medical officer to the Privy Council, and a further sum of £2,000 a-year was assigned to him for the pursuit of scientific inquiries. The medical officer had some functions in connection with the Privy Council in regard to any cases which might arise in the administration of the Medical Act, which came under the purview of that body. The reason of the decrease referred to by the hon. Member for Rochester was, that two Inspectors who were in receipt of the higher scale of salaries had left during the year, and their places had been filled by Inspectors whose initial salaries were considerably lower.

*Vote agreed to.*

*Mr. Butt*

(10.) £11,804, to complete the sum for the Lunacy Commission.

(11.) £40,550, to complete the sum for the Mint.

SIR WILLIAM FRASER asked for information in reference to the state of affairs in that Department, and complained of the designs of the coinage. He also called attention to the report of the deputy master that the machinery of the Mint was inefficient.

THE CHANCELLOR OF THE EXCHEQUER said, he thought he ought to say a few words about the condition of the Mint. There was no doubt whatever that the present machinery of the Mint was not in a very satisfactory state, and he believed that nothing but a complete renewal of the machinery would meet the exigencies of the case. The deputy master was of opinion that it would be impossible to make the necessary alterations on the present site, and that they ought to provide a new site, with a new Mint containing a new machinery of a proper character. If that were done, no doubt the present site could be disposed of and a considerable sum realized. Objection had been taken by the lawyers to the selection of a site in the neighbourhood of Blackfriars, but no refining would be done there, and therefore no nuisance would be created. However, as the objection had been raised, he had been considering the practicability of securing a suitable site elsewhere. He had made inquiries with reference to a suitable site, but was not at present in a position to indicate the spot which might be chosen, as he did not know the amount for which the land might be purchased.

MR. ANDERSON trusted the right hon. Gentleman had found a site which would not be too expensive, and that it would be properly protected.

*Vote agreed to.*

(12.) £12,780, to complete the sum for the National Debt Office.

(13.) £16,650, to complete the sum for the Patent Office.

(14.) £17,161, to complete the sum for the Paymaster General's Office.

(15.) £17,270, to complete the sum for the Public Record Office.

(16.) £3,799, to complete the sum for the Public Works Loan Commission.

(17.) £33,901, to complete the sum for the General Registrar's Office in England.

*House resumed.*

Resolutions to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

#### INFANTICIDE BILL.—[Bill 43.]

(*Mr. Charley, Mr. Whitwell.*)

COMMITTEE. [*Progress 22nd June.*]

Bill considered in Committee.

(In the Committee.)

Clause 3.

Amendment proposed in page 1, line 16, to leave out the words "and shall thereby cause its death."—(*Mr. Morgan Lloyd.*)

Question proposed, "That the words proposed to be left out stand part of the Clause."

MR. GOLDSMID moved that the Chairman report Progress, and ask leave to sit again.

MR. CHARLEY said, he hoped before the Motion to report Progress was agreed to, the Amendment of the hon. and learned Member for Beaumaris would be accepted. The Recorder, the hon. Member for Taunton (Sir Henry James), and the hon. Member for Durham (Mr. Herschell) had all urged upon him its acceptance, and he felt it impossible to resist the Amendment.

Question put, and *negatived*.

Amendment agreed to; words struck out accordingly.

*House resumed.*

Committee report Progress, to sit again upon *Thursday* next.

#### NATIONAL SCHOOL TEACHERS (IRELAND) BILL.

On Motion of Sir MICHAEL HICKS-BEACH, Bill to provide for additional payments to Teachers of National Schools in Ireland, ordered to be brought in by Sir MICHAEL HICKS-BEACH and MR. SOLICITOR GENERAL for IRELAND.

Bill presented, and read the first time. [Bill 223.]

House adjourned at half after One o'clock till Monday next.

## HOUSE OF LORDS,

*Monday, 28th June, 1875.*

MINUTES.] — SELECT COMMITTEE — *Second Report* — Office of the Clerk of the Parliaments and Office of the Gentleman Usher of the Black Rod. (No. 176.)

PUBLIC BILLS—*Second Reading*—Public Health (136); Registration of Trade Marks\* (167); Public Records (Ireland) Act, 1867, Amendment\* (168).

*Third Reading*—Endowed Schools Act (1868) Continuance (109); Juries (Ireland)\* (166); Metropolis Management Acts Amendment\* (145); Survey (Great Britain) Acts Continuance\* (128); Intestates Widows and Children (Scotland)\* (143), and passed.

ENDOWED SCHOOLS ACT (1868) CONTINUANCE BILL.—(No. 109.)

THIRD READING.

(*The Lord President.*)

Order of the Day for the Third Reading, read.

*Moved*, "That the Bill be now read 3°."  
—(*The Lord President.*)

EARL FORTESCUE: I hope the deep interest which I have for many years taken in middle-class education, and in school endowments as most influentially affecting it, may plead with your Lordships for your kind indulgence to me during the few remarks I propose making upon the working of the Endowed Schools Act up to this time. My noble Friend the then President of the Council may perhaps remember that some 11 or 12 years ago I was honoured by being made the channel for communicating to him the earnest hope, expressed by several friends of education, including Members of both Houses of Parliament, who met at my house, that a Royal Commission might be appointed to inquire into the educational endowments throughout the country. We were not long after deeply gratified by the announcement of the appointment of such a Commission, and still more by its admirable composition. For we learnt that it was to be presided over by my lamented Friend (Lord Taunton), one of the noblest, most patriotic, single-minded, and enlightened public men I ever had the happiness of knowing, and it was to comprise several other statesmen since distinguished in the service of the Crown, as well as other men conspicuous for their acquaintance with educational questions. Nor was the



Report which they presented three years afterwards, in December 1867, unworthy of the expectations raised by the high character of the Commissioners. Founded upon a long, careful, and, I may truly say, exhaustive inquiry into the endowed schools and school endowments of the country, it was most able, elaborate, and statesmanlike, both in its description of their actual state and in its recommendations for the future.

Perhaps you will allow me to remind you of the general outline of the comprehensive scheme proposed in it. After proving a general prevalence, even beyond what had been suspected, of abuse, misuse, and disuse with regard to these endowments, and revealing an unexpected amount of difference both as to their number and value between one part of the country and another; after demonstrating that unless endowed schools are compelled to do good work, they will often do positive mischief by standing in the way of better institutions; and after showing how the Charity Commissioners, ably and efficiently as they had generally done their work within the limited scope of their powers, had been estopped by the nature of their duties from considering the educational endowments of any district in relation to each other, or, indeed, from dealing with any case otherwise than isolatedly and separately on its own merits alone; they proceed to state their reasons for the conclusions which they had arrived at—namely, that the schools ought to be remodelled on a system; that in order to effect this in the best way they ought to be dealt with in groups, and that it would be necessary to sub-divide the country for this purpose; that counties would make the best ultimate divisions, but that for the present the Registrar General's eleven larger divisions ought to be taken; and that within each division the schools should be assigned to the three grades, into which they proposed that all schools below the great public schools and above the elementary schools should be divided. And then they go on to say—

"Some Provincial Authority such as we shall hereafter suggest should be charged with the duty"—which cannot be entrusted to the governors of the schools themselves—"of determining in what grade each school is to stand."

And the Provincial Authority is to do this "by fixing absolutely the age at which boys are to leave," and "by lay-

ing down certain limits" as to "the fees to be paid and the subjects to be taught," so as to check schools from practically rising or falling out of their assigned grade. With regard to religious instruction, they report that it might be left to some Provincial Authority to choose in certain cases between two specified forms of rules on the subject. Whether a school is to have boarders or not is, they say, "a matter to be settled by some Provincial Authority." They state that—

"After Parliament has laid down the general principle, the precise regulations with respect to the master's remuneration may well be left to the local authorities."

Again, they say that—

"To change the conditions on which exhibitions are at present held recourse should be had to the Provincial Authority."

"The same authority should also be empowered to sanction" various other changes with regard especially to exhibitions, where

"the various circumstances of the various endowments would have to be considered, and this a Provincial Authority would be well able to do."

As to the question whether schools in certain cases should be kept as boarding schools, or converted into day schools, they say—

"The proper authority to decide would be a Provincial Authority, capable of thoroughly understanding and appreciating local claims, and yet not hampered by the tendency to consider them alone."

And they conclude their long and carefully-reasoned out description of the duties and powers of the proposed Provincial Authority thus—

"The Provincial Authority would be, in our opinion, the proper body to draw up new schemes for the regulation of schools within its province, and submit them through the Charity Commissioners, or some Central Authority, to Parliament."

I think it is not too much, therefore, to say with the first Commissioners under the Endowed Schools Act, that "the system of the Report" of the Schools Inquiry Commissioners "mainly rests" upon the establishment of Provincial Authorities, subject on some points—and on some points only—to the control of the Central Authority above them, which the Report recommends to be established; but with the head masters and School Governors within their respective



provinces subjected to them on many more points: an appeal being reserved in certain cases only to the supreme Central Authority.

The late Government, in their Bill of 1869 (brought in, be it remembered, in the same Session with several other important measures, which had precedence over it), took only two parts, and kept only one part, of the comprehensive scheme of the Commission of Inquiry—namely, the appointment of a Commission with very large powers for dealing with the educational endowments of the country. For they left out altogether the most important part, in my opinion—the constitution of Provincial Authorities; and they early dropped that of the Central Educational Council. But as in the Preamble of the Bill, which was introduced by one of the Commissioners who had signed the Report, they had implied the intention to carry out the scheme contained in that Report; and as the then advanced period of the Session forbade all chance of carrying more than a short Bill before the Recess, we many of us fondly hoped and believed that the Act of 1869 was only the first instalment of early, systematic, and complete legislation on the subject. Very probably they really meant to do so; and Mr. Forster's character for straightforwardness strengthens that impression. But be that as it may, the fact remains that from that day to this neither the late nor the present Government have taken any step towards completing the work on the lines recommended by the Inquiry Commissioners.

I have at various times since, and even during, the passing of the Endowed Schools Act, endeavoured to impress upon this House and successive Governments the great importance of carrying out as a whole, and not merely partially and piecemeal, that comprehensive scheme. And I ventured to predict the failure of any other mode of dealing with a problem at once so large, so complicated, and so delicate—so large; because it concerns at least £20,000,000 of property in money and land, and its application to the efficient promotion of education, and especially of middle-class education: so complicated; for it concerns trusts and emoluments of almost infinite variety in date, in character, and in circumstances: and so delicate; for it concerns multitudinous administrative

bodies, scattered haphazard over the country, with very strong, though diverse, personal, family, and local, vested interests. I have no intention of reopening the somewhat warm debates of the last two or three Sessions with regard to the composition or operations of the Commission appointed by the late Government under the Act of 1869. They laboured hard and conscientiously. But they were called upon to do work, which the Commission of Inquiry had declared could not be satisfactorily or efficiently discharged by any central authority alone: for that Commission said—

“The necessity of dealing with schools in groups seems plainly to imply the corresponding necessity of local Provincial Boards to deal with them.”

And this I will venture to add, without fear of contradiction; that the first Commissioners under the Endowed Schools Act went beyond the expectations held out by the authors of that Act. For they soon began to startle this House and the country with the sweeping character of their earlier schemes; and it was only after receiving several rude checks from this House that they, with avowed reluctance, entered upon quite an opposite course; and disappointed me, amongst many others, by the hesitating, desultory, and unsystematic character of their later proposals. Indeed, in their Report of 1872, they allow that they had tried to deal with schools in groups, but had practically found it too difficult to do so. They, therefore, determined to give up all idea of carrying on their operations in that way, and thenceforth to treat each case, as if it were an isolated one, separately on its own merits. The consequence has been that they perpetuated in several cases by improved organization, and practically originated in a few cases by resuscitation, in different parts of the country, exactly the unsystematic and unsatisfactory state of things with regard to endowed schools, which the Report so forcibly deprecates; multiplying, to please the trustees, first-grade schools, where there were already enough, and leaving large tracts of country utterly deficient in schools of the grade required there.

Will their successors do better? Their names, when announced in Parliament, justly commanded public confidence.



Sir James Hill was well known for his able and judicious work at the Charity Commission, within the limited scope of its powers. Mr. Longley had done good service as Poor Law Inspector, and had gained the confidence of every district successively placed under his charge. My noble Friend Lord Clinton was also favourably known both for his official work at the India Board and for his usefulness in his own county. They may, and I hope will, profit by the exposure of some of the errors of their predecessors. But I boldly say they cannot do well. For, like them, they have work given them to do which, in the words of the Schools Inquiry Commissioners—

“cannot really be dealt with by a central authority alone; but requires the co-operation of a local body, which, as a matter of course, must be capable of looking at the county, or, perhaps, several counties, as a whole; but which shall know the district well, and not act, in mere dependence, on the reports of its officers.”

And now what is the present position of the question? I have ascertained that only a third at most of the vast property yielding more than £600,000 a-year, comprehended under the head of educational endowments alone (to say nothing of others) subject to the Act of 1869, has yet been disposed of; either quite irrevocably by schemes already legally in force, or else by schemes in such a stage as no longer fairly to admit of being now interfered with. And though, no doubt, some endowments might have been very much better applied, if the comprehensive scheme for dealing with schools in groups had been followed, I think I may safely say no great harm has yet been done: and we are still in time. But every month makes a difference, by disposing for ever of more and more of the magnificent property available three years since for the systematic spread of Secondary Education. I say disposing of finally and for ever: because, under the new scheme, schools will no longer be so disgracefully robbed or perverted as to afford just ground for public indignation, or to enlist public opinion in favour of their being otherwise dealt with. They will be far less assailable hereafter in their respectable misapplication than hitherto in their scandalous abuse. We are still in time: but only just in time. And I would earnestly entreat Her Majesty's Government to seize the golden opportunity before it is too late. If I am asked how this could now be done with-

out legislation for the purpose impossible at this period of the Session; I would answer from the experience of a voluntary committee of some 30 or 40 in my own County, comprising most of the chief landowners and the Bishop, with a certain number of clergymen, yeomen, and tenant-farmers as representatives of the more important educational endowments, which met to propose a scheme for the whole County to be submitted to the Endowed Schools Commissioners. I was much surprised and gratified at the diligent attendance at our meetings, and at the amount of response soon given to appeals for a spirit of sacrifice of petty local interests to the general good of the County. I would venture to suggest, without pretending to speak of their legal powers for the purpose, that the Government with the aid of the Lords Lieutenant, could easily name Educational Councils, fairly representative in their character, either for their several counties, or for registration districts comprising two or more counties, as recommended by the Inquiry Commissioners; and could assign to these local Councils instead of to the Central Commissioners, the duty of considering schemes after conference on the spot with the trustees of the different school endowments to be dealt with in those counties or districts, previous to the final determination of the Commissioners and of Parliament. And I feel confident from our Devonshire experience that some such Councils would act very usefully and greatly smooth difficulties. I myself should prefer a County basis for dealing with these, as with various other local matters; “because,” in the words of the Inquiry Commissioners “each county is a whole by itself, and has a political and social life of its own.” But the question of the best division is, for the present, unimportant. What is vitally important is to commence action before it is too late. Before concluding, I must again earnestly appeal to the Government to interpose at once and determine that the remaining two-thirds of the vast property left by the munificence of our ancestors for educational purposes shall be wisely and systematically distributed so as to assist to the utmost in providing throughout the country sound and economical secondary education for generations yet unborn. Let it not be within the next few years all irrevocably



disposed of—squandered, in fact, not corruptly, but wastefully—by a continuance of the same desultory, unsystematic, and unsatisfactory action, which has hitherto unavoidably characterized the course of the Commissioners under the Endowed Schools Act.

THE DUKE OF RICHMOND hoped that, in consequence of the great amount of Business on the Paper, the noble Earl would excuse him if he did not follow him in a discussion on the general question of the administration of the endowed schools; and he would now tell his noble Friend what he did not like to tell him in the course of his speech—that he was out of Order. The Bill before their Lordships did not deal with the general question, but merely carried out a certain arrangement in respect of vested interests. When last year the Government felt obliged to adopt the unpleasant course of doing away with the old Commission and appointing a new one, he stated the reasons which induced them to adopt that course. The new Commission had only been at work six months, and it was impossible to say yet whether its schemes would be satisfactory or not. He hoped, therefore, that his noble Friend would excuse him for not going further into the subject.

*Motion agreed to; Bill read 3<sup>d</sup> accordingly, and passed.*

#### PUBLIC HEALTH BILL.

*(The Lord President.)*

(NO. 136.) SECOND READING.

Order of the Day for the Second Reading, read.

THE DUKE OF RICHMOND, in moving that the Bill be now read the second time, said, that at the outset he wished to divest the minds of their Lordships of a misapprehension with respect to the extent and purpose of the measure. In many quarters the Bill was supposed to be designed as a settlement of the great sanitary questions which had of late been so much discussed; and that it was intended to be a complete and conclusive measure. Had it been so intended, no doubt the Government would have been fairly open to the criticism that they had not redeemed the pledges they had given at the commencement of the Session that they would

devote a large portion of their energy to legislation in respect of sanitary matters. But both of these statements were based on erroneous assumptions. The Bill was neither a complete nor a conclusive measure. What it purported to be was neither more nor less than a measure to amend and consolidate the existing sanitary law. The Bill certainly was a large one, for it contained 340 clauses; but, startling as that number of sections might appear at first sight, he thought that a printed Paper which had been circulated among their Lordships must have shown them that the Bill was not as formidable as its bulk might seem to imply. In order to explain what was proposed to be done by the Bill, he must bring under their Lordships' notice the various Acts at present in force on the subject; but he did not think he need go back farther than the year 1848. In that year there was considerable alarm in this country in consequence of the threatened approach of cholera. Mainly actuated by that fear, the Parliament of that day passed the Public Health Act. That Act was chiefly applicable to towns; but it did not come into operation unless a certain number of the ratepayers called for it, and the central authority, the General Board of Health, was of opinion that it ought to be applied. There was no alteration in that state of things till the year 1858, when the powers of the General Board of Health expired, and they were transferred to the Home Secretary. After 1858 there were two other Acts—one in 1861 and the other in 1863. They were amending Acts, into the details of which it was not necessary for him to enter. In 1865 an Act passed entitled the Sewage Utilization Act, the object of which was to enable the local authorities of any district to dispose of sewage so as that it might not become a nuisance, and also apply it to agricultural purposes. It also extended the Health of Towns Act to rural districts. In 1867 there was another Utilization of Sewage Act, which gave further powers to local bodies and enabled them to combine. He might mention that, in 1855, a Sanitary Act dealing with noxious trades was passed, and was amended by the Acts of 1860 and 1863, which were merely amending Acts. He now came to the Act passed in 1866—the Sanitary Act—which was



an important one, and deserved rather more attention. It amended the Utilization of Sewage Act of 1865, and gave power to sewage authorities and vestries to form themselves into drainage districts and to enter into undertakings for the better supply of water; it amended the Nuisance Removal Act of 1855, and conferred additional powers in respect of disinfection. A very important provision was that contained in the 49th clause, which gave power to the Home Secretary to execute certain works in default of their being executed by the local authority, and to charge the local authority with the cost. In 1869 and 1870 further Acts were passed relating to sanitary subjects; and at this moment there were not fewer than 15 Acts embodying the provisions to which he had alluded. With the progress of sanitary legislation and the enlargement of the powers of the authorities to whom the carrying out of that legislation had been entrusted, a certain amount of confusion arose in the reading and the enforcing of the several Acts of Parliament. There were several distinct authorities—namely, the urban authority, the rural authority, and the authority represented by the Boards of Guardians—for dealing with the same matters and sometimes with different powers. In some districts the Boards of Guardians were the authority for the removal of nuisances, and the vestries for sewers and the supply of water. With a view to bringing about a better system his right hon. Friend the present Prime Minister, when before in office, advised the Queen to issue a Royal Commission, and the members of that Commission—a very strong one—were subsequently named by the Government of the Party opposite. At the end of three years the Commission made its Report, in which it stated—

“That it is desirable to make laws concerning public health as simple and uniform as possible, and with a view thereto to repeal as far as may be practicable the existing General Acts, and to make amended and more extensive provision in respect of the subject-matter by one comprehensive statute.”

In 1872 an amending Act was passed which divided the authorities into two classes—the urban authority and the rural authority. In 1874 another amending Act was passed; but the law being still in an unsatisfactory state, Her Majesty's Government thought it their

duty to bring in this Bill for the purpose of consolidating the various Acts in one Bill. The difficulty of consolidating several Acts was shown by the course pursued in reference to the Navy Discipline Act. The way that was accomplished was this—In 1860 an Act was passed repealing the whole or part of eight Acts, and embodying in one statute the law relating to discipline in the Navy. Then that was repealed and re-enacted with Amendments in 1861. In 1864 the Act of 1861 was repealed and re-enacted with Amendments. In 1866 the process was repeated, and the Act passed in that year formed the code of settled law relating to the discipline in the Navy, and which he believed was found to be satisfactory. The Bill now before their Lordships' House was divided into eleven Parts, but there were only about six of these to which he need call particular attention. Commencing with the third Part, its subject was **SANITARY PROVISIONS**, and related to the subjects of Sewerage and Drainage, and contained clauses relating to scavenging and cleansing, water supply, cellar-dwellings and lodging-houses, nuisances, offensive trades, unsound meat, infectious diseases and hospitals, the prevention of epidemic diseases, and mortuaries. Part IV., **LOCAL GOVERNMENT PROVISIONS**, related to the subjects of Highways and Streets, and the clauses dealt with the regulation and lighting of streets, new buildings, public pleasure gardens, markets, slaughter-houses, public halls, &c., and police regulations. Part V. contained **GENERAL PROVISIONS** as to contracts, purchase of land, by-laws, officers, and mode of conducting business by local authorities. Part VI., **RATING AND BORROWING POWERS**, related to expenses of Urban Authority and Urban Rates, expenses of Rural Authority, borrowing powers and audit. Part VII. to **LEGAL PROCEEDINGS**; and Part VIII. to **ALTERATION OF AREAS AND UNION OF DISTRICTS** for constituting the sanitary authority. These were the salient points of the Bill. What he wished more particularly to call attention to, however, were the new provisions which had been introduced and which had hitherto not formed part of the legislation of the country. Under these provisions the local authority had the control of sewers as well without as within their district,

and were empowered to carry water mains beyond their district underground. This power did exist at present in regard to sewage, and it seemed only reasonable that it should exist in regard to water, which was equally necessary to the health of the community. Further, the waterworks clauses were incorporated in the Bill in accordance with the recommendations of the Select Committee. Another clause increased the limit of the cost of the water supply to 2*d.* per week on houses where it could not be provided at a cheaper rate. Then power was granted to local authorities to suppress trade nuisances; to urban authorities to purchase or provide gasworks by agreement; to sanitary authorities generally to proceed against joint contributors to a nuisance; and to the Local Government Board to unite districts and appoint medical officers of health. The provision as to joint contributors to nuisances was framed because it was sometimes difficult to distinguish who the offending party really was, as his noble Friend (the Marquess of Salisbury) had found in regard to the pollution of rivers. As for the Amendments made in the other House, they did not call for special notice. They were important, no doubt, but it would be better to consider them in Committee. As to the Bill generally, he ventured to suggest to their Lordships the advisability of confining discussion, as far as possible, to the new provisions; because if they travelled over the whole 341 clauses, re-considering the merits of Acts of Parliament which had been passed during the last 30 years, they would be occupied—he would not say uselessly, but certainly for a much longer period than he could hope would be given to the Bill. If the Bill passed into law in its present state it would present no bar to future improvements in sanitary legislation—on the contrary, it would smooth the way. As for the new provisions introduced, they had been found absolutely necessary in order to reconcile the conflicting provisions of the various Acts dealt with. For instance, under the Public Health Act of 1848, in the case of the junction of a drain with the sewer of the local authority, the written consent of the urban authority was necessary; whereas under the Sanitary Act of 1866, which was equally in force, it was not required. In these observa-

tions he believed he had indicated the full scope of the Bill. He might again say, in conclusion, that he did not bring it forward as a great measure of sanitary reform, but as a measure which, by consolidating, with some not unimportant amendments, the Sanitary Acts of the last 30 years, laid a good foundation for such enactments as might in future be deemed necessary for the promotion and maintenance of public health.

*Moved*, "That the Bill be now read 2<sup>a</sup>."  
—(*The Lord President.*)

THE DUKE OF SOMERSET said, that this Bill, like a great many others, was a Bill to increase the public burdens on the ratepayers. He thought it was high time the ratepayers should have greater control over the local expenditure of the country, but the effect of the present Bill would be to render such control more difficult to exercise than ever. That was not his own opinion alone; it was the opinion of the Officers of Public Health and of the Poor Law Board also. An indispensable condition of good administration was that they should have administrative areas. Now, the present Bill tended to strengthen the unions by making them great borrowing corporations, and therefore much more difficult to arrange in administrative areas; and, as the counties and the unions were not continuous, how could a system of county administration be introduced? Until the boundaries of counties and unions were made to harmonize, it was impossible that any effective system of local administration could exist. His own union extended into three counties, and it was obvious that in such a case the ratepayers of the several counties would have great difficulty in controlling local expenditure. If once, he maintained, the union were made the unit, it would be impossible to get back to the county without great difficulty. When, he might add, the noble Duke who had just spoken (the Duke of Richmond) was down at Brighton the other day he made a very eloquent speech, in which he pointed out, with a good deal of truth, that the predecessors of the present Government in office had passed several measures which had the effect of harassing the country considerably. He was afraid, however, that the noble Duke himself and his Colleagues



were following in the same path. They had, for instance, introduced an Artizans Dwellings Bill, which would interfere with the poor very much, unless it was carried out with great caution. There was besides the Agricultural Holdings Bill, with its "letting value," which seemed to have harassed the country so much that there were representations with regard to it from all quarters—although he had been told that he knew nothing about the matter when he warned the Government that they would hear more on the subject. The Pollution of Rivers Bill was another measure which appeared to have so discomposed the various interests which would be effected by it, that the noble Marquess who had charge of it had ever since the second reading been beset with deputations complaining of its provisions. The Bill under discussion was somewhat of a similar character, and was so full of details that it was impossible to enter into them at any length on that occasion. Inspectors and surveyors were to be appointed under its provisions, who would in all probability be frequently very ignorant people, and yet it would be in the power of one of those inspectors to go to a poor man and say—"You must not have this pigsty," and cause a great deal of trouble by insisting on its removal. It would be necessary to examine these inspectors and surveyors before they were appointed, because the authority with which they would be invested was very great; and it seemed to be forgotten that, in passing Provisional Orders, very important measures were often agreed to—not always with due consideration. For these reasons he was of opinion that whenever the Bill went into Committee, it would be necessary to look very carefully into its provisions.

THE MARQUESS OF SALISBURY said, it was not unusual to designate some measures which were brought before Parliament—especially at the end of the Session, and which dealt with a great many matters—"omnibus" Bills. Now, that epithet might, he thought, very well be applied to the speech to which the House had just listened;—or perhaps it might, taking into account the nature of the Bill under discussion, be more appropriately termed a consolidated Opposition speech. The noble Duke had referred to a great number of questions—and had mentioned several Bills which

were connected together in no other way except by the fact that they were not in the Bill now before their Lordships. The noble Duke had condemned very seriously too the power of borrowing, and the effect which such a power was likely to have on the re-distribution of administrative power; but, then, there was no power of borrowing contained in the Bill. The same remark applied to several other observations of the noble Duke. He was, however, perfectly willing to concede to him that inspectors were not always infallible, and that it was possible they might sometimes take an undue antipathy to an innocent pigsty; but then it should be borne in mind that inspectors were the genuine outcome of our democratic form of Government; and if, as the noble Duke had recommended, there were to be an examination in discretion in their case, he was afraid that if they were to be intrusted with the larger task of governing our counties a still more strict examination would be required. But if, as the noble Duke argued, inspectors were sometimes careless in the exercise of their power, they could at least, it seemed, plead as an excuse the want of attention on the part of Members of Parliament themselves in dealing with that very important class of legislation known as Provisional Orders. He was, however, afraid he should take up too much of the time of the House if he were to defend the various positions which the noble Duke had selected for attack—he thought they would be best met when the Bills to which they referred were brought under the consideration of their Lordships. He ventured, however, to tender a respectful protest against one particular criticism of the noble Duke. He understood his argument to be that this Bill ought not to pass because the Government had not elaborated some grander scheme with which when produced the smaller provisions of the measure might be found to conflict. Now such a course as that, if adopted, would put a stop to any ameliorative legislation; but in the case of such legislation as that under discussion, hampered as it was in the other House of Parliament and oppressed by the weight of public business constantly increasing, while at the same time the opportunities of carrying it out did not increase, to set our face against minute improvements would be

practically to refuse to make any change for the better at all.

LORD ABERDARE pointed out that the question to be determined was at what period consolidation should take place. It was true the late Government were willing to undertake the task of consolidating the various Acts relating to the public health, but they were of opinion that very important amendments of the law should first be made. The difficulties connected with the matter were found to be immense. It was thought by both sides that it would be better to refer it to a Select Committee; but their Report did not much facilitate the action of the Government. There were parts of the existing law which required amendment in order to strengthen the hands of the Local Government Board in the event of the local authorities failing to do their duty. He intended to place on the Paper an Amendment for that purpose, so that the noble Duke opposite might have an opportunity of considering it.

LORD REDESDALE said, that nobody could be more conversant than he was with the mischief which had arisen from the multitude of Acts which had been passed on this subject, and from the difficulty of understanding what the law was in relation to it. He would only say a word of caution—they ought not to be content with looking to those parts of the Bill which merely restored the old Acts. There ought to be some control over the execution of works by local bodies. For example, if a reservoir for supplying water were not properly made, there was a danger of its bursting and doing great injury. In cases of that kind there ought to be some control exercised for the sake of the public safety. The powers given by the Bill to take over waterworks and gasworks from companies also required guarding, in order that the shareholders might have sufficient notice of so important a matter as a proposal to part with their interest in such undertakings. On that and other points some amendments might be made in certain provisions of the existing law with great advantage while they were dealing with that subject. As to making unions conterminous with counties, it was impracticable, except at an enormous amount of expense and trouble, which would be attended with no commensurate benefit to the public. He regarded that Bill as a very im-

portant step in the right direction. The repeal of nearly the whole of some 25 Acts was in itself a matter of very great importance, and he trusted that the measure, when amended in some particulars, would be of great advantage to local government throughout the country.

EARL FORTESCUE said, that having frequently complained of the multitude of statutory enactments on that subject, he felt bound in consistency to thank the Government for the very useful measure they had brought in. No one who had not been practically engaged in the work of endeavouring to effect sanitary improvements under the existing law could adequately appreciate the enormous amount of labour, difficulty, and doubt, together with consequent expense, arising from the multiplicity of enactments—sometimes varying and sometimes actually conflicting with each other—which now encumbered the Statute Book in reference to such subjects. Another difficulty of the existing state of things arose from the perplexing manner in which jurisdictions and areas intersected one another.

*Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Tuesday the 6th of July next.*

#### ARTILLERY, ENGINEER, AND MILITIA OFFICERS.—QUESTIONS.

LORD WAVENEY asked the Under Secretary of State for War, (1.) Whether it is proposed in the case of officers of the Royal Artillery and Royal Engineers to revert to the practice of the Militia service in accordance with Her Majesty's Regulations by which adjutants of the Militia service are required to wear the uniform of their respective corps; (2.) whether any instructions have been issued or whether it is proposed to issue any instructions to officers inspecting Militia brigades or regiments to report upon—1. The recruiting of the regiments inspected as to numbers; 2, the quality of recruits obtained; 3, the physical and military efficiency of the Militia soldiers enrolled in the Militia Reserve. (3.) whether it is proposed to attach brigades or regiments of Militia to the forces to be employed in the Autumn Manœuvres of this year?

EARL CADOGAN, in answer to the noble Lord's Questions, said, it was not



proposed to alter the regulations as to the uniform to be worn by Adjutants of Militia regiments. He understood the noble Lord to object that the present distinction was hurtful to the feelings of Militia officers; but, on the other hand, it was considered to be of the utmost importance, with a view to the efficiency of Militia regiments, that candidates for those appointments from the Artillery and Engineers should be as numerous as possible. The inducements at present held out being very small, the applications were in consequence very few; and it was believed if those regulations were cancelled there would be still less inducement to officers of the Artillery and Engineers to apply for those appointments. It that were so, the interests of the Militia would be still more injuriously affected than they could possibly be by the distinction in dress. As to the second Question—whether Inspecting Officers had been instructed to report as to the number and quality of recruits of Militia Regiments—Inspecting Officers had been instructed to ask commanding officers of Militia Regiments how many recruits had been enrolled and approved between the termination of the last drilling and the commencement of the preliminary drill, and how many during the preliminary drill. They had also been directed to inquire as to the age, height, and general quality of recruits, and, further, as to how many men had volunteered to join the Militia reserve, and how many men had been approved. With regard to the physical and military efficiency of these Reserves the Inspecting Officers had reported on their general instructions; but there would be no objection to issuing an Instruction in future, with the view of obtaining the information which the noble Lord desired. It was not proposed to attach brigade or regiments of Militia to the forces to be employed in the Autumn Manœuvres this year.

LORD WAVENEY expressed his regret at the reply of the noble Earl, and intimated his attention of bringing the matter under the notice of the House on some future occasion.

House adjourned at half past Seven o'clock, till To-morrow, half past Ten o'clock.

Earl Cadogan

## HOUSE OF COMMONS,

Monday, 28th June, 1875.

MINUTES.]—SELECT COMMITTEE—Hampstead Fever and Smallpox Hospital, *nominated*.

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES—*Resolutions* [June 26] reported.

PUBLIC BILLS—Ordered—*First Reading*—Bridges (Ireland) \* [226].

*First Reading*—General Police and Improvement (Scotland) Provisional Order Confirmation \* [227].

*Second Reading*—Employers and Workmen [203]; Conspiracy and Protection of Property \* [204]; Police Constables (Scotland) \* [213]; Turnpike Acts Continuance, &c. \* [216]; Royal Irish Constabulary \* [219].

*Select Committee—Report*—Metropolis Gas Companies [No. 281.]

*Committee—Land Titles and Transfer* [105]—*n.p.*

*Committee—Report*—County Courts \* [156-226]; Summary Prosecutions Appeals (Scotland) (re-comm.) \* [191].

*Report*—Metropolis Gas Companies \* [82-224].  
*Third Reading*—National Debt (Sinking Fund) \* [142]; Parliament of Canada \* [209], and passed.

*Withdrawn*—Dover Pier and Harbour (re-comm.) \* [192]; Court of Admiralty (Ireland) Act (1867) Amendment \* [200].

### AFFAIRS OF GREECE.—QUESTION.

MR. BUTLER-JOHNSTONE asked the Under Secretary of State for Foreign Affairs, Whether the attention of the Foreign Office has been called to certain disquieting statements in the public press as to the political condition of the Kingdom of Greece, and whether Her Majesty's Government are prepared to communicate to Parliament any official information on the subject?

MR. BOURKE: No, Sir. Her Majesty's Government have no reason to think that there is anything abnormal or exceptional in the present condition of Greece. There has been a change of Government and a Dissolution. Her Majesty's Government do not see any reason to communicate to the House official information on the subject.

### IRELAND—REGISTRY OF DEEDS.

#### QUESTION.

MR. ERRINGTON asked the Secretary to the Treasury, If he will state whether it is intended to give effect from its original date to the Treasury Minute of June 12th, 1874, "Regulating the Salaries in the Office of the Registrar



of Deeds in Ireland;" and, whether promotions are to be made in that office as recommended by the registrar?

MR. W. H. SMITH, in reply, said, it was intended to give effect to the Treasury Minute as from the 1st April, 1874; and the recommendations of the Registrar with regard to promotion were now under the consideration of the Treasury.

#### ELEMENTARY EDUCATION ACT, 1871— SCHOOLS IN THE FEN DISTRICTS.

##### QUESTION.

MR. E. STANHOPE asked the Vice President of the Committee of Council on Education, Whether the difficulties in the way of the formation of school districts in the fens surrounding Boston have been surmounted, and if so, how soon the first notices of his Department with respect to those districts are likely to be issued?

VISCOUNT SANDON: Sir, the difficulties in the way of the formation of school districts in the fens surrounding Boston are greater, as my hon. Friend is aware, than, I believe, in any other part of England, and I regret to say that though every endeavour is being made to expedite their formation, we have not yet seen our way to a satisfactory mode of treating them. We have some hope that, if a Bill brought in by my right hon. Friend the President of the Local Government Board, for making better provision for the arrangement of divided parishes and for other purposes, becomes law, we may possibly be assisted by it respecting these fen districts. In the meantime, if my hon. Friend will favour us by calling at the Education Office, we shall be glad to have the aid of his local knowledge.

#### PUBLIC BILLS—LORDS AMENDMENTS TO COMMONS BILLS.—QUESTION.

##### OBSERVATIONS.

MR. GOLDSMID: I wish to ask you, Mr. Speaker, a question of Order in consequence of an occurrence which took place in the House on Friday night at a very late period of the evening. Doubtless, Sir, you will remember that three Members of Her Majesty's Government—namely, the hon. Baronet the Under Secretary of State for the Home Department (Sir Henry Selwin-Ibbetson), the

right hon. Gentleman the President of the Local Government Board (Mr. Selater-Booth), and the hon. Gentleman the Parliamentary Secretary to the Board of Trade (Mr. Cavendish Bentinck), one after the other, when the list of Bills upon the Paper had been exhausted, got up and asked the House to consider Amendments which had been made in the House of Lords to Bills under their charge, but not mentioned in the Notices of the House. Now, Sir, as it appears to me that a proceeding like this is calculated to destroy those feelings of confidence which ought to exist between the Government and the House with regard to the business which is likely to be brought before it, as Amendments of very great importance may be passed without anybody happening to know that they were going to be brought on, and as it was only by an accident that my hon. Friend the Member for Swansea (Mr. Dillwyn) and myself were here at that very late hour to object to those Amendments being considered, I venture to ask you, Sir, what is the proper practice with regard to the consideration of Amendments on Bills which have come down from the House of Lords, and whether Notice ought not to be given that those Amendments will be considered by placing a Notice upon the Paper in the same way as has been done to-day with regard to some Bills? I venture to ask the practice of the House in this respect in order that hon. Members may not be taken by surprise.

MR. SPEAKER: The question of the consideration of Lords Amendments is regulated by a Standing Order of the House, which I will read to the House. It is dated July 19, 1854, and is to this effect—

"That Lords Amendments to Public Bills shall be appointed to be considered on a future day, unless the House shall order them to be considered forthwith."

No doubt the usual practice of the House has been to appoint the consideration of Lords Amendments on a future day, but in cases where expedition is necessary, it has been the practice of the House occasionally—especially at a late period of the Session—to order that those Amendments shall be considered forthwith, without notice. But on such occasions the hon. Member in charge of such Bills is bound to satisfy the House that expedition is necessary.

## EMPLOYERS AND WORKMEN BILL.

[BILL 203.]

*(Mr. Secretary Cross, Mr. Attorney General, Sir Henry Selwin-Ibbetson.)*

## SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed,  
 "That the Bill be now read a second time."—*(Mr. Secretary Cross.)*

LORD ROBERT MONTAGU, who had given Notice of his intention to move the Previous Question, said, it was a subject which did not agitate England alone, but also America and Australia. He did not believe that the Bill would remedy the evils connected with the Labour question. The alterations which it proposed to make in the law were slight and few. With regard to the next Bill on the Paper—namely, the Conspiracy and Protection of Property Bill, he might say that it would make only one amendment in the law, while some other points in the law, and those the worst ones, were allowed to remain. "But," said the Home Secretary, "if you do not accept these proposals we will let the Act of 1867 lapse, and the old laws in the 1st Schedule will come into operation." The right hon. Gentleman would not dare thus to trifle with a question of such magnitude. He wished, however, to give the Home Secretary credit for all the improvements he had proposed. The first improvement which the right hon. Gentleman desired to make was to substitute for two justices of the peace—that was to say, two employers of labour—wherever it was practicable, either a County Court Judge or a stipendiary magistrate; but in the second Bill the two justices were retained, as was also the Criminal Law Amendment Act, the interpretation of which was left to their discretion. The second Amendment was this—Under the Act of 1867 the damages which might be awarded were limited to £20, whilst in the present Bill there was no limit whatever. If the poor man was to be so amerced as was proposed it would ruin him. Practically, the power to deal with the matter was in the hands of the employers, and it might become an instrument of great injustice towards the labouring man. A further limit proposed by the Home Secretary was, that there should be no imprisonment unless the persons affected should fail to

pay the penalty; but one was at a loss to know whether the right hon. Gentleman meant failure to pay on account of poverty or on account of neglect. Harsh and tyrannical rules might be posted up at the places of work, and those rules might be held to be part of the contract between the employers and the employed, for against such tyranny the working man had no remedy whatsoever. Such were the Amendments which the Home Secretary proposed to introduce into the Bill. It was a Bill which was to be neither here nor there. It would be a dead letter—it would not be used. And why? Because every employer would be sure to regard a violation of contract or a strike as wilful and malicious, and therefore he would proceed, not under the provisions of this measure, but under the Criminal Law Amendment Act, or 5th clause of the Home Secretary's next Bill, which was, to all intents and purposes, as nearly as possible the same as the 14th clause, so justly objected to by all working men, of the Act of 1867. The principle of the proposals of the Government was based on an utterly false policy and the subject-matter of these Bills had been utterly distorted. The principle of the Bills was the destruction of trades unions, and the subject-matter of them was the relation subsisting between the working men and the employers. In the latter the right hon. Gentleman had followed the example set him by the Criminal Law Amendment Act, but in the principle of the Bills he had followed the exact lines of the 4th clause of the Trades Unions Act of 1871. That was a singular course of action, and the very reverse of the policy which the right hon. Gentleman ought to follow if he wanted to settle this labour question. The right hon. Gentleman indulged in grandiloquent amphibology when he said his object was to secure freedom of contract. The real object of the Government was to stop the legislative, the judicial, and the coercive action of the trades unions. The Home Secretary's plan of freedom and independence was the very contradictory to the existence of those societies. He asserted that the Home Secretary's principle was the compulsory reduction of wages, and he believed the right hon. Gentleman was perfectly aware that this was so. The right hon. Gentleman went into a long history of the laws which he

supposed to exist in former times for the reduction of wages, because he knew that the destruction of trades unions was tantamount to the reduction of wages. Trades unions were invented for the very purpose of preventing wages from being borne down by the competition of workmen, which the plan of the Government encouraged, and that could only be done by each workman giving up his individual will for the will of the whole body. That principle was right, and he (Lord Robert Montagu) maintained that free competition ought not to be secured in the case of working men. The Commissioners said on this subject that the object of the law should be equally to secure freedom of action, and that cloven foot it was that appeared to have so much captivated the Home Secretary; but the right hon. Gentleman forgot that the working man was placed in such a position as to leave him no alternative but to accept the terms that were offered to him or starve, while a master could cease operations for years, living in the meantime upon his capital. Free competition would bear wages down to so low a point that a man could not properly support his wife and children. Therefore, bearing down wages to the lowest point would be offering a premium to men not to marry at all, or at least not to have any family. The result would be to encourage working men who were unmarried or who neglected their duty to their children. ["Oh, oh!"] Hon. Members of that House, never having felt want themselves, had ever disregarded the interests of working men. ["No, no!"] That House never had regarded the interests of working men—["Oh, oh!"]—and it was well that some at least should speak in their favour. It was precisely the feeling of the Tory Party that no one should speak in favour of the working man. By natural law every man had a right to combine, and by taking from trade associations the executive power of punishing their members, you were not making working men free and independent; you were making them stand alone and were forcing them to accept lower wages. In that way poverty would come to working men, whose trades unions were their support against capitalists. It might be asked—was this right of combination a benefit to the State? He would answer this question by asking another—was it

not better for men to associate together than to be isolated and in antagonism? In his opinion trades unions were not only a natural right, but a preservative of order. If they had not that power of combination working men would feel, as they did at the outset of the French Revolution, that there was no salvation for them but by appealing to their numbers and to force, and then they would seek to overthrow capital altogether. It was said that working men ought to be freed from the tyranny of trades unions. But that alleged "tyranny" was only the exercise of the proper legislative power which every society and every club possessed of making its own laws and regulations. Was it the small minority or the majority who suffered from this tyranny? If the small minority, it was their fault that they so suffered; if it was the majority, they had in their own hands the power of freeing themselves. But they did not desire such "freedom," and supported trades unions because they knew that only by such means could they cope with capital. Parliament had done everything it could do by legislation to break up and destroy trades unions. What was the result? These unions had increased and multiplied. Their numbers and their influence had grown considerably, and the wish and object of Parliament, not a friendly one—namely, the desire to make working men knuckle down to employers—had been defeated. So much for the principle of the Bill. Now for its subject-matter. It appeared that the contracts of the manual labour class were not to be treated like the contracts of other persons. The proposals of the Government did not apply to shopmen, clerks, Post Office officials, or policemen, who were left to the Common Law; but if working men on strike pointed out to others that their continuance at work would injure themselves in the end, and that they would lose the advantages of the union, they might be punished, though that was only fair argument, and would not be reached by the ordinary law. A recent Charge of the right hon. and learned Recorder had brought home this question—"Why should men of the manual labour class be punished for doing that which was not punishable by the ordinary law?" Working men had said in that case—"If you do so-and-so



you will be looked upon as a black sheep." Hereupon they were charged with conspiring to molest and obstruct. The right hon. and learned Gentleman said both parties were acting within their rights; there would be no evidence to support an indictment at Common Law. But though there was no criminal act those men were sent to gaol. What were working men to think of that when the Judge said they were within their rights? ["No, no!"] Why, the Judge had said so. If working men were to watch at the gate of an employer to induce him to send away a particular man, or to cease the use of a poisonous dye which he employed in his business, it would be indictable under the Criminal Law Amendment Act. Again, if one workman hid the saw or hammer of another because he owed him money, he might be indicted under the Criminal Law Amendment Act; and yet Parliament allowed the keeper of a public-house to detain the property of a man who owed him money. The children of Israel complained of the way in which Pharaoh conducted his business, in making them manufacture bricks without straw, and under that Bill the Home Secretary would have sent them all to prison. It was stated at a deputation that waited upon the right hon. Gentleman the Member for the University of London in 1873 that in Yorkshire when a man left his work the employers would not enable him to work in any shop in the district for the next six months. They combined together to coerce him and starve him for six months, and for that they were not liable to punishment; but if workmen combined together to better their circumstances they were to be punished for conspiracy. In short, our Criminal Law Amendment Act did not reach the masters, but it pressed on the workmen with fearful violence. Both rattening and picketing were forbidden by the Act. But "rattening" was nothing more than a form of distraint upon the goods of a working man by the governing body of his fellow-labourers, while "picketing" was merely a means of giving notice to men in search of work that at the shop thus attended the accustomed workmen were on strike, and that anyone accepting work in it would injure themselves in the future by losing certain privileges in connection with trades unionism to which they would

*Lord Robert Montagu*

otherwise be entitled. That kind of thing existed in every society, and yet Parliament did not interfere. In that House, if the Speaker were told not to call on some particular man because he was not subservient to his Party, and the reporters were told not to report him, and in the morning there was not a line of his speech in the papers, would not that be depriving a person of his tools?—so that what was done for the working man was absurd when it was applied to themselves. They had in that House "Whips" and "Finders." The Finders went about the Lobby, and ascertained how a Member was going to vote, and the Whip stood at the door and told him how his Party was going to vote; and was not that picketing in another form? There was nothing criminal in the act; but if one working man told another working man not to work for a certain master because of a strike, he was punished; but what more wrong was it in that case than the Whip standing at the door and telling a Member how to vote? There were two principles in the Bill. The first was, that in the case of manual labour to break a contract was a crime, and to agree to do so was a conspiracy. But to break a civil contract was a civil act, and we had no right to inquire into the intention. In the case of a minute contract, a man at the pumping engine of a mine might walk away without notice, immense damage might be done to property, and yet the act would not be a criminal one. But if there was a contract for a week, the man who should do the same act would commit a crime, and to agree to do so would be conspiracy. They were confusing civil and criminal acts and going beyond the ordinary law whenever they dealt with working men. This Bill would also alter the relations between employer and workman. What in a great many trades would be a simple breach of agreement would in another become a crime.

MR. ASSHETON CROSS begged the noble Lord's pardon—the act in such a case must be "wilfully and maliciously" done.

LORD ROBERT MONTAGU would acknowledge he had made a little mistake there. Wherever there was a general danger to the State or a large body of the community ensuing from the neglect to perform a contract, that neg-

lect was to be considered a crime. Such a principle could not be defended on any ground whatever. If there was a strike among the coal owners, and no coal reached the gas works, no gas could be made; but its absence would be considered no crime on the part of the gas company, although the public would suffer precisely the same danger and inconvenience as if the want of gas had been occasioned by neglect of the workmen, whose neglect would be treated as a crime. If public danger and inconvenience were enough to constitute neglect a crime in one case, why not in every case?—and if not in every case, why in any? So with regard to water. If a water company did not filter the water they supplied to the public, would no danger and inconvenience be incurred by the community? Would there be less danger and inconvenience in such a case than if a working man walked away when the water was not turned on? But in the latter case the neglect was treated as a crime, while the rich companies were let off. Such a distinction was utterly false and fallacious, and could not be carried out. An act might be apparently wilful and malicious which was not really so, and the greatest injustice and oppression must result from an attempt to enforce such a measure. The ambiguity implied in the words “wilfully and maliciously” would not alter the relations between workman and employer. Breach of contract being a civil wrong, no person had a right to inquire whether it was wilful and malicious or not. It was not a criminal, but a civil act. The relations subsisted between the workman and the employer, and not between the workman and the outside public; and Parliament had no right to step in and say that an inconvenience to a third party, arising from a breach of contract between employer and workman, should be amenable to punishment. The effect would be to induce working men to get rid of all contracts, and have only minute contracts. In connection with the point, let them remember there was not more than a day’s consumption of edibles in London. The locomotive engine-drivers all made minute contracts. They could leave at any time, and produce danger and inconvenience to the public, and yet they would be exempt from the operation of this Bill, and the effect of its provisions would be

to increase that system. It was adopted at present by miners, ironworkers, engineers, and the building trade—which included joiners, masons, carpenters, plumbers, and plasterers—and ship-builders, and in the Nottingham textile trades when a man finished his warp. It would be to the advantage of the State to have long and, if possible, permanent contracts, so that we might not have a nomad population. He objected entirely to the principle of the Bill, but he would not move the Previous Question, as he believed there was a disposition on the part of the right hon. Gentleman to give way to the wishes of the working men; but on the second Bill he believed it would be necessary to divide the House.

MR. LOWE said, it had sometimes been the duty of himself and of hon. Members on his side of the House—at least they had thought it so—to complain of Bills introduced by the Government, because they were wanting in vigour and stringency, but no complaint of that kind could fairly be urged with regard to this Bill. As one who had given a great deal of attention to the subject, he must congratulate the right hon. Gentleman the Home Secretary as having, in the measure he had introduced, emancipated his mind boldly and freely from a mass of prejudice in relation to it. He had emancipated his mind fairly and boldly from a mass of prejudice—he had laid down proper principles and applied them properly; and he would have the satisfaction of introducing a measure which would do great good by soothing passions and conciliating those who believed they had conflicting interests. Therefore, he did not rise to imitate the noble Lord the Member for Westmeath (Lord Robert Montagu), but to give his humble assent to the general principle of the Bill, in the hope that in some degree it might tend to console the Home Secretary for the awful castigation he had received. The right hon. Gentleman, in his (Mr. Lowe’s) opinion, was entitled to the more credit, because the matter was involved in some perplexity by the Report of the recent Commission, which so far from offering a solution of the questions involved them in further obscurity. However, the right hon. Gentleman had delivered them from the necessity of discovering a solution and had cleared the ground for them, for he

had wisely, in regard to the first Bill, seen that the only principle by which these matters could be fairly dealt with was that of contract. To that the right hon. Gentleman had adhered, and he (Mr. Lowe) was convinced that the more the measure was considered the more it would commend itself to the approbation of the House. In the way of suggestion, he would remark that the right hon. Gentleman gave a Court the power of rescinding a contract—a power which, as far as he knew, had never been vested in any Court. He did not see why such a power should be given; and, if it were, it would introduce great confusion and perplexity. The right hon. Gentleman deserved great credit for having exploded altogether the doctrine of the specific performance of the labour contract, which was founded on an entire misapprehension of the practice of the Courts of Equity. If a Court would refuse to order Mr. Kean to act Richard III. continuously, because it would involve a succession of efforts no man could be called upon to make, was it not monstrous that a Court should claim to compel a man to do a particular thing for a year? It would be introducing a principle of slavery utterly inconsistent with the genius of our laws and institutions, and for which no precedent or parallel could be found in the law of England. The right hon. Gentleman, much to his honour, had got rid of that principle and had substituted a principle which was fair in itself—namely, that a person who had rendered himself liable to damages for breach of contract, instead of having to pay them, should be allowed to return to his master's service, giving security that he would perform the remainder of it. It was a fair provision which did credit to the originality of the right hon. Gentleman; but the security ought to be the security of somebody else, in order to satisfy the master that the contract would be observed and induce him to forego his right to have damages. As the Bill was drawn it was also the man himself who would give security. A man could not increase his power of paying compensation by saying that he gave security, when he had no security to give except a personal promise; it did not add to the master's security; and this had occasioned the right hon. Gentleman to do what it was to be hoped he would re-consider—namely, to

say that if a man would not, after giving security, return to work he should be imprisoned. That was but restoring imprisonment for debt in another form, and it involved the objectionable principle that a man who was not able to get credit otherwise might get credit by undertaking to submit himself to harsh treatment and conditions. According to Tacitus, it was the practice of the ancient Germans that a gambler who had played away his substance and his wife and children, might at last stake himself, and, if he lost, go into perpetual slavery. We should not think that a right principle in this country, but it was the same as allowing a man to stipulate that he should be imprisoned for debt, under certain circumstances, in order to get credit he could not obtain in any other way. If the right hon. Gentleman would consider this point with the same liberality with which he had dealt with other parts of the subject, he would see that his proposal was well worthy of revision. It would be better to get rid of imprisonment altogether in these measures, and to leave this simply as a matter of debt. He did not object to the introduction of two tribunals—the County Court for sums above £10 and the justices for sums below that amount; but he wished to point out that if an offence was tried before the justices, they would merely have the power of awarding the sum that was due for a man to pay, and if the man could not pay, there was no remedy that he (Mr. Lowe) was aware of that could be taken against him, except that of selling such goods as the man might have. But if he was taken before the County Court the matter was quite different; for there the Judge, by what he (Mr. Lowe) considered a most harsh and cruel law now in force, had the power of ordering the defendant to pay by instalments, and if he made default in any instalment and it could be proved that he had had money in his hands, no matter what other claims he might have had to meet, he was liable, if he did not pay, to be imprisoned; the payment might be divided into seven instalments, and the defendant was liable to be imprisoned upon all of them. After he had been imprisoned upon all of them, imprisonment had not the effect of the old law of cancelling the debt, but the defendant still remained as much liable

*Mr. Lowe*



for the debt as ever. By introducing the machinery of the County Court the right hon. Gentleman had introduced that element into the matter; and he (Mr. Lowe) thought it would be a very great improvement in the Bill if the operation of the law of 1869 were negatived, and he hoped that the time would soon arrive when we should blot it out of the Statute Book altogether. He thought it was very desirable in all these cases to have as little as possible of class legislation, and to make the general law as wide as possible; and he would suggest whether it would not be worth while to extend the principle of the Bill to all persons earning wages, including menial servants, at all events if the parties were willing to go before the justices instead of waiting for the decision of the County Court. As long as we retained a vestige of slavery, and acted on the traditional assumption that every man was to work for somebody at prescribed wages and be punished if he did not, such a claim as he put forward might be unreasonable, but now, that nobody would wish to drag anybody else within such a law, and when we had adopted instead the basis of contract, he could see no reason why a remedy of this kind should not be extended to all persons. As to the second Bill, he thought the right hon. Gentleman had adopted a fair and reasonable principle with regard to the law of conspiracy. The policy of the law, as embodied in the Act of 1871, was to place masters and employed as much as possible on an equality, and if they applied the law of conspiracy stringently to what might be called trades unions, the effect must be to put the employed at a disadvantage, as it would happen that certain things would be lawful to the master merely because he was one, which would be unlawful to the men because they were many. Therefore, the proposal that no men should be punished for conspiracy for any act which was not in itself penal was a wise improvement of the law. He wished to suggest as a principle the making of our legislation as wide and general as possible, and he was disposed to agree in the view of the right hon. Gentleman that some punishment should follow desertions of duty involving serious consequences. It seemed to him that if a man by a wilful breach of duty deprived a town of gas and water or placed human life in

danger—conduct which was not punishable at all as far as he was aware—or if he endangered property of considerable value, it was quite right and fair that he should come within the dominion of the law. He submitted, however, that faults of that kind could be committed by other people besides workmen, and that it was not wise to limit the punishment to working people, and thus put a kind of stigma upon them. Supposing, for instance, that a contractor for gas or waterworks the construction of which involved the supply or non-supply of a whole district, or possibly the lives of a number of people, failed from mere negligence to set his men to work, and mischief followed, there was no law to punish him; but if one of his workmen had absconded and damage followed as a consequence, such workman would be liable to heavy punishment. The enactment of laws such as this was not, in his view of the matter, a proper course to be taken in order to weld all classes together, and he felt sure that the right hon. Gentleman had no object except to bring about harmonious action between all classes of persons who were interested in the labour laws. He would, therefore, suggest that the right hon. Gentleman should so modify this particular clause as to provide—

“That where any person is under a legal duty or obligation to do a certain thing, and whenever he without reasonable excuse violates that duty, so that he puts human life in danger or risks the supply of gas or water, or damages property of very great value,”

such person should be held responsible for his illegal act, no matter whether his position happened to be that of master or of man. If the right hon. Gentleman did that, he would but be making a very reasonable concession to a not unnatural feeling of sensitiveness and jealousy on the part of the working classes, who objected strongly to be made the subjects of special legislation. As he did not wish to trouble the House again on this matter, he would at once lay before the right hon. Gentleman and the House one or two suggestions in reference to the Criminal Law Amendment Act. Among a considerable section of the working classes there was a strong desire to obtain the repeal, if not of the whole Act, at least of what was known as the “picketing clause” of the measure. He was not at all seeking for popularity in

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“That where any person is under a legal duty or obligation to do a certain thing, and whenever he without reasonable excuse violates that duty, so that he puts human life in danger or risks the supply of gas or water, or damages property of very great value,”

such person should be held responsible for his illegal act, no matter whether his position happened to be that of master or of man. If the right hon. Gentleman did that, he would but be making a very reasonable concession to a not unnatural feeling of sensitiveness and jealousy on the part of the working classes, who objected strongly to be made the subjects of special legislation. As he did not wish to trouble the House again on this matter, he would at once lay before the right hon. Gentleman and the House one or two suggestions in reference to the Criminal Law Amendment Act. Among a considerable section of the working classes there was a strong desire to obtain the repeal, if not of the whole Act, at least of what was known as the “picketing clause” of the measure. He was not at all seeking for popularity in



reference to this matter, and therefore he had no hesitation in saying that he saw no cause for the repeal which was demanded. If the liberty of the subject was to be maintained, it must not be allowed that one set of persons should deliberately destroy any particular man's liberty because he happened to differ from them on particular points. Therefore, he thought the right hon. Gentleman had done right in not touching on this particular matter, but there were one or two suggestions he would like to make on the general question. The first branch of the Act with which he proposed to deal was that which provided punishment for persons who threatened other persons so as to coerce them in reference to their work. For this he saw no necessity in face of the fact that the existing general law gave to magistrates power to deal with all such cases by binding over persons using threats and imprisoning them when they failed to procure sureties for good behaviour. Therefore, as the clause was useless and invidious, he thought it would be but reasonable to expunge it from the Act. The second provision was that which defined the punishment to be inflicted upon persons who, in order to prevent other persons following their employment, used violence either to person or property. He could not imagine why such a provision was foisted into the measure, for it was fully provided for under the general law of the country, and ought not to be made a part of any special legislation. So with regard also to the clauses relating to rattening and other matters of that kind, he thought that those offences were of a general nature, and need not be confined to trades unionists offences. The House would remember the case of a man who, some years ago, persistently followed about a lady whom many hon. Members knew personally and all respected, in order to force her into a most unequal and improper marriage. There was no law to punish that man, and he persecuted the lady with impunity. He thought it would be perfectly easy to draw a clause which would have the whole effect of the third part of the 1st section of the Criminal Law Amendment Act—a clause which would entirely cover all the ground now covered and a good deal of what was not covered, and which would prevent a good deal of annoyance; and though it would not

be acceptable to many of the working classes, he thought it would be accepted as a proof that Parliament was anxious as far as it could to meet their wishes and to conciliate their feelings, and it might have some effect in toning down any acerbity which now existed. They all wished to restore harmony and unity among all classes. The country had every reason to be proud of its manufacturers and also of its workmen. There would always arise differences as to the proportions in which profits arising from manufactures should be divided between capital and labour. These questions could not be settled by legislative enactments, and all that Parliament was called upon to do was to conciliate all classes as far as possible, and settle the basis on which they could work together for the common good. He thought the right hon. Gentleman had taken a step in the right direction, and therefore he had been emboldened to make a few suggestions on the subject. He had placed a few Amendments on the Paper; but if he found that the passing of the measure would be risked by his pressing them, he should not trouble the House by bringing his proposals forward.

LORD ELCHO said, the praise which had just been bestowed upon the Bill by the right hon. Gentleman must have consoled his right hon. Friend the Home Secretary for the speech of his noble Friend the Member for Westmeath (Lord Robert Montagu) who had given Notice of an Amendment. His noble Friend said the Home Secretary had been captivated by a cloven foot—whatever that phrase in its present connection might mean. He also said that the principle of freedom upon which the Bill was based was the opposite of what the principle of legislation of this kind should be. It was impossible for him (Lord Elcho) to gauge what his noble Friend's knowledge of the working classes might be, but having had much experience of them in connection with the Act of 1867, he (Lord Elcho) ventured to say that the great mass of them no more believed in the infallibility of trades unions than they did in the infallibility of the Pope. The noble Lord, commencing with the Act of 1867, condemned the legislation of all succeeding Parliaments down to the present, who had attempted to deal with this labour question, and, in fact, throughout his



speech had constituted himself the mouthpiece of the extreme party of trade unionists, and in several cases had repeated the exact words spoken by the chairman of the Trades Union Congress at Sheffield in 1873, and since then by the chairmen of demonstrations in Hyde Park and elsewhere. He (Lord Elcho), however, felt sure that his hon. Friend the Member for Stafford (Mr. Macdonald) would substantiate him in saying that the Bill at the time of its passing gave satisfaction to the principal representatives of the working classes in this country. Having been to some extent responsible for the Act of 1867, he would give them a brief history of that legislation. A Committee was moved for, and after sitting for two years, and taking evidence of working men, a Report was drawn up. The Committee sat at Glasgow, and, after the whole matter had been long considered by employers and employed, the Act of 1867 was introduced, and was looked upon by the country at large as satisfactory. *The Times* newspaper, in remarking on it, said that it crowned a long series of remedial legislation, that it removed the last rag of inequality, and that the employers and employed now stood face to face on equal terms. The present Prime Minister, moreover, in his speech at Edinburgh, cited it as an instance of legislation intended to meet the views of working men. There were two principles contained in that Act, one making a civil offence that which had previously been criminal, and the other establishing equality between working men and their employers. In the belief of the working men both those results had been obtained by the Act, and the Glasgow Committee declared that it had placed employers and workmen on a level platform. If, however, it were found that having regard to the principles intended to be embodied in his measure, it had either been defectively drawn or defectively administered, that would not affect the original intentions of its promoters, who endeavoured to give a fair and proper application to those principles. His hon. Friend the Member for Stafford before the Trades Union Commission, of which he (Lord Elcho) was a Member, gave the strongest evidence as to the intention of Parliament in passing the Act in question, and stated that although the

House of Commons contained many capitalists it was willing to do justice to the workmen when they were aggrieved. He would conclude by saying that it appeared to him that the Government was now acting rightly in putting master and servant upon an equality before the law, and in carrying out absolute freedom not only between master and servant, but between workman and workman. He did not deny that trades unions had in one way and another done a great deal of good; but as only one man out of every 14 or 15 was connected with them, one thing was absolutely necessary—namely, to secure the absolute freedom of individuals, and not to allow any one class or any individuals of any class to interfere with the freedom of others.

MR. MACDONALD said, that he did not agree with the statement of the noble Lord who had spoken first in this debate (Lord Robert Montagu), that it was the object of the Home Secretary in this and the Conspiracy and Protection of Property Bill to destroy trades unionism. He felt perfectly confident that the right hon. Gentleman had too good a knowledge of these institutions, and that he was desirous of giving fair play to the working man; and he believed the right hon. Gentleman had not in the remotest corner of his mind any intention of interfering with trades unions—he was equally sure the Government collectively had no such intention, because they would not dare in the present state of things to interfere with them. The noble Lord had told them that the laws which were framed up to 1871 were inimical to trades unions and the interests of the working men. Well, he must say the noble Lord, in his zeal for the working men, had not read the history of this country as he (Mr. Macdonald) had done it. He felt confident that in no other country in the world had such legislation been carried out as the Imperial Parliament had enacted for the protection of young women and children, for the protection of life and limb, and for the protection of working men in every respect. Therefore, while he was strongly in favour of amending the existing law, he would be no party to declaiming against those remedial measures which Parliament had passed even before the adoption of the extended suffrage and the Ballot. So far back as 1859 a small



Bill was introduced, and he was one of the parties who tried to get that measure passed into law. It was passed, and it had for its object to enable working men to speak to each other, and to persuade each other, if they so thought fit, to join in combination. That Bill, although simple in its character, had a most beneficial effect upon the state of things which had existed up to that time. He now came to the question which immediately concerned the House to-night. In the first place, he felt bound to thank the Home Secretary for introducing these Bills, and he might tell him that within the last few days the trades unions of Manchester, the working men of Sheffield, and the Parliamentary Committee which represented the trades unionists of the United Kingdom, had all given a general though qualified support to the Bill. On Thursday he had the honour of presenting a deputation to the Home Office, representing 750,000 men, who expressed unqualified satisfaction with these two Bills, except with regard to some trifling Amendments. Glasgow had also spoken out, and, so far as he was aware, the city of Edinburgh only had pronounced against these measures, and the right hon. Gentleman might feel gratified with the reception which they had met. He (Mr. Macdonald) hoped that the powerful Party which was sitting behind him, as well as many Gentlemen on the Opposition side of the House, would endeavour to aid him in passing these Bills, and settle as far as they could the difference between employers and workmen. With regard to the Master and Servant Act, to which the noble Lord opposite (Lord Elcho) referred, it was thought at the time that it would establish perfect equality between masters and workmen, but it was soon discovered that it would not accomplish that object, however good the noble Lord's intention had been, and however good the intention of that House had been. Three most objectionable provisions were discovered in the measure introduced by the noble Lord opposite shortly after it became law. By those provisions matters that ought to be dealt with by the civil law were made subject to the criminal law. It was proved that the Judge had power to order the fulfilment of a contract, and that if that order were not complied with he could punish by imprisonment. It

was also discovered that that Act for the first time introduced the monstrous principle that a Judge should declare what was an "aggravated offence," or, in other words, should create the offence. And the Judge having declared what constituted an "aggravated offence" might pass a sentence of three months' imprisonment with hard labour upon the accused. The working men had to congratulate themselves that a measure to remedy the objections to that Act had been introduced by a Conservative statesman who he (Mr. Macdonald) believed was desirous that justice should be done between employer and employed. He was of opinion that there was no necessity for penalties for breaches of contract—the system of "minute contract" which had been adopted in many of the largest manufacturing establishments in this country with great advantage to all the parties concerned proved this. He hoped the time would come when in all our large industrial establishments work would be carried on on that condition. Under a minute contract an incompetent or vicious workman could be immediately got rid of, instead of being able to continue in an establishment for some weeks or months to the annoyance of his employer. A minute contract would also, on the other hand, enable a workman instantly to leave the employment of an unjust master. The minute contract produced perfect respect in both parties, and put them both in a position of perfect independence. The employer refrained from doing wrong to his workman, because he knew that the man might leave him at any moment; and, on the other hand, the working man refrained from doing wrong to his master, because he knew that he could get rid of him at any moment. There was another point in reference to the breaking of contracts. There was an impression abroad that trades unions employed their agency and influence in the breaking of contracts. Now, he ventured to affirm that they were not contract breakers; nay, more, he would venture to affirm that not 5 per cent of the parties brought up for breach of contract belonged to trades unions. If a wrong was inflicted upon a member of a trades union by his master, the man did not break his contract; he merely sought the advice of his society, who often dissuaded him from taking that step. He

*Mr. Macdonald*



agreed with what the right hon. Gentleman the Member for the University of London had said, and hoped the Home Secretary would receive his suggestions in a generous spirit. He regretted that the right hon. Gentleman the Home Secretary had not dealt with the Criminal Law Amendment Act, and trusted he would yet deal with it in such a way as to prevent the recurrence of such an event as that which they had recently witnessed in the case of the cabinet makers. He hoped, if the right hon. Gentleman could not see his way to doing something in the matter during the present Session, he would do so early next year. A number of the offences mentioned in that Act were offences which ought justly to be punished, but he was of opinion that they ought to be relegated to the Common Law. It might be said this was a sentimental grievance—he was quite sure it was not right that these class distinctions should be preserved, and when the time came for the Home Secretary to deal with the subject, he hoped he would do so against the employers as well as working men. As the law at present stood an employer, or an association of employers, could do all the things which were contemplated by the Act, and yet get off scatheless. What was the intention of picketing? It was to keep men from going to a certain place to work. The workmen had the right to persuade their fellow-workmen not to go to work. That was legal picketing. But the employer could picket and do what the employed could not do, for he could picket so as to prevent men from working, and that was done almost every day. He could do the same with respect to rattening, and the law did not touch him. The fact was that the employer could do everything which was mentioned in the Criminal Law Amendment Act, and yet he committed no breach of the law. He had in his possession numberless documents showing that when men had struck, their employers wrote to other people and told them to give the men no work. One of the latest instances of this kind was the action of the tinplate manufacturers at Swansea. He trusted that the right hon. Gentleman in dealing with the question would make the law so strong that neither the employer nor the employed would be able to prevent men from following their lawful calling, and

would place both parties on an equal footing. In conclusion, he thanked the right hon. Gentleman for bringing in these Bills, and hoped that he would have the consolidated support of his Party in passing them with such Amendments as would make them just and equitable. By doing so the right hon. Gentleman would have the credit of doing successfully what the feeble hands of a Bruce dare not touch or the jaunty mind of a Sir George Grey could not comprehend—he would make himself popular with the whole working classes generally.

MR. TENNANT, as a manufacturer and employer of labour, desired to express his unqualified approval of the principle of the two measures, and rejoiced to find that the hon. Member for Stafford (Mr. Macdonald), who might be said to represent the working classes, was also satisfied with the proposals of the Government. It was evident that the opinions expressed by the noble Lord below the gangway (Lord Robert Montagu) were repudiated by those who represented the working classes. He had great pleasure, therefore, in thanking his right hon. Friend for introducing the Bills, and although it might be said that they went far beyond what the Commissioners recommended in their Report, yet it was impossible for a Government framing measures on these subjects to carry out some of the suggestions which were recommended, for they were quite irreconcilable with the data on which they were founded, and inconsistent with the principles which the Commissioners themselves laid down. The principles introduced in the Bill were plain and intelligible. The first was to make the relationship between the employers and employed entirely in the nature of a civil contract, and to divest it of all character of criminality. This was the principle embodied in the Employers and Workmen Act. The other principle laid down by the Commissioners was that no act which in itself was innocent and legal when performed by a single individual should be transformed into an illegal and criminal act when it was performed by two or more persons. Those were principles which, in his opinion, could not be controverted. The absence of any power to enforce the performance of a specific contract had been complained of, but it was in the very nature of a contract of personal

deplore the quarrels which arose from time to time between masters and workmen, and if we could only bring them to think that their interests were practically very much the same—much more so than they were sometimes disposed to think—we should do a great deal of good. It was with sincere pleasure, therefore, that he had found himself able on the part of the Government to introduce these Bills; and he felt bound to say that he believed they would tend to show there was at the bottom a real, sound, good hearty feeling on the side both of masters and men. It was with considerable pain on that account, therefore, that he heard the noble Lord opposite (Lord Robert Montagu), in the opening of the speech with which he had favoured the House that evening, describe the intention and purport of the Bills in a way which he hoped he should not be exceeding Parliamentary usage in describing as equally untrue, unjust, and ungenerous. He (Mr. Cross) would say they were brought forward from totally different motives. He thought he had made it perfectly clear when he introduced these Bills the other night, that if there was one thing more than another, from the beginning to the end, which tended to the benefit of the working men, it was the doing away with that law which so much puzzled and confused them, and from time to time exposed them to so many unjust punishments,—he meant the law of conspiracy. What, then, was his surprise when next day he saw in the papers that, while the noble Lord passed over the Employers and Workmen Bill, he proposed to read the Conspiracy Bill that day three months. He therefore argued that, however much the noble Lord had studied the Bill, he did not understand it, and when he asked the noble Lord to read it a second time, it was plain he had not read it even a first time. He, therefore, would pass over the noble Lord's speech, which had not met with a favourable response from any hon. Member who had hitherto spoken, and as he had, perhaps, at unwarrantable length, detained the House when introducing the subject, he would not take up its time by alluding any further to the speech of the noble Lord. All he would say was this—If the noble Lord's language to persons connected with trades unions was couched in such terms

as he had employed that evening, it would not be very surprising that they should be astounded and brought to wrong conclusions—especially when they heard such phrases as “grandiloquent amphibology,” which he was free to confess he did not understand. He also regretted very much to hear the noble Lord's exposition of the right hon. and learned Recorder's Charge. He thought he might venture to say to the noble Lord, without transgressing any of the rules of the House, that, having read a short passage from the beginning of that Charge, he might also have read the conclusion of it. He did not think that a clearer exposition of the law, so far as picketing was concerned, could be made than the right hon. and learned Gentleman gave in that Charge. He only wished that it could be made absolutely clear that what he had said was the law of the land. He did not believe that after the Report of the Commission, after that Charge, and after the debates which they had had in that House, any misunderstanding in the future could arise on that point. He believed the law to be as laid down in the Report of the Commission and the Charge; and Baron Cleasby's judgment, when fairly considered, did not differ from either. He only wished the law clearly understood throughout the length and breadth of the land. Nobody, he believed, wanted any different law from that which was contained in the Charge. He believed all honest and well-intentioned men were satisfied with it, and he did not think any honest, well-intentioned master wanted any other. He thanked the right hon. Gentleman the Member for London University (Mr. Lowe), for what he had stated, in the most candid and open way, as to the intentions of the Government in relation to this Act. The right hon. Gentleman had made several suggestions, some of which were worth consideration, as there were others from which he rather differed. The right hon. Gentleman rather found fault with the power to rescind contracts. He thought that a novelty in procedure which should not be sanctioned, but he forgot that, in a clause of Lord Elcho's Act of 1867 that power existed. It was recommended by the Committee which sat before that Bill was framed, and he was not at all certain that many masters were

opposed to it. There was a sort of marriage in such cases from which it might be very proper there should be a divorce. There were other matters that might deserve consideration—one was whether a person ordered to perform a contract should be allowed to give security himself. A good deal might be said in favour of that suggestion; but with regard to other sureties, he thought that a most valuable part of the Bill. Again, the right hon. Gentleman said, although he did not find any fault with the tribunal, he did not like giving the power to the County Courts to send parties to prison under the Insolvent Debtors' Act. He (Mr. Cross) could not, however, see why these cases should be placed in any other position than an ordinary debt. If the power of recovering small debts were abolished, the one case might go with the other; but treating the question as one of damages to be given, he could not see why the damages should be treated in any other way than as a debt under the Act. Anything else would be resorting to exceptional legislation. Then the right hon. Gentleman asked why this Bill should not be applied to menial servants. That was rather a matter of detail, and did not affect the main question which they were now discussing. Having thus referred to the suggestions of the right hon. Gentleman, he was happy to say he was relieved from detaining the House at greater length, because he had no further objections to answer. He (Mr. Cross) hoped that masters would see and recognize that what had been said by the hon. Member for Stafford (Mr. Macdonald) was quite correct as to the injustice of one particular class of contracts being dealt with in a manner totally different from other contracts; workmen said why should a mere breach of contract on their part subject them to imprisonment, when a manufacturer who entered into a contract for a supply of wool or cotton, the breach of which entailed precisely the same amount of injury, was only civilly responsible, and could not be sent to prison? The only answer was, the one had a pocket, and the other had not. What was the consequence of such a state of the law? The men said they would not take any contract which would subject them to such ignominy; and many of their contracts were rather implied than expressed by the payment of wages

at certain times. They would not enter into any contract beyond the day, hour, or minute. If the law remained as it was, that state of things would become more general than it was. If there was any great struggle between masters and men, it would make no difference to the men whether they left on Saturday or Wednesday; and so long as the present law existed they would leave on Saturday night without saying a single syllable, and not go back on Monday morning. Thus they found out the way of escaping the criminal laws, and the result would be only to increase the ill-feeling which already existed. Therefore this Bill said freely and fairly all such breaches of contract should be treated not criminally, but civilly, and nothing more. The object of the Bill was not to destroy trades unions; but as there was to be absolute freedom of will between master and servant, he (Mr. Cross) said there should also be absolute freedom between a man and his fellow-servant—a man should work if he liked, he should not work if he did not like; he should belong to a trades union if he liked, but should not be compelled to belong to a trades union. He believed the great object of all good government in England was not to create penalties and misdemeanours and summary convictions of all kinds—and he would like to have a Return of all the summary convictions that had been created for the last 10 years—but that there should exist, so far as was consistent with general public order, the greatest amount of individual freedom of action it was possible to attain.

MR. W. E. FORSTER said, he had much pleasure in joining in the congratulations which the right hon. Gentleman the Home Secretary had received both with reference to the Bill itself and the speech by which it had been introduced. That speech was one of the clearest and most satisfactory expositions which he had heard. He congratulated the right hon. Gentleman still more on the chance he had, and the good hope he must have, of being the means of settling the labour and capital question. He thought the right hon. Gentleman must be encouraged in that hope by the discussion which had arisen to-night. The short speech he had just made showed that the right hon. Gentleman had studied the question, and his prac-



tical observations with reference to the suggestions of his right hon. Friend the Member for London University showed an anxious desire to meet them as far as possible. He could not help expressing an earnest hope that the right hon. Gentleman, having taken the subject in hand, would not shrink from his task, but would thoroughly complete it by dealing with the Criminal Law Amendment Act. Of this he was certain, that in performing it the right hon. Gentleman would find the House and the country willing to aid him in removing that which was still objectionable in the criminal law. It was quite true that Judges, such as the right hon. and learned Gentleman the Recorder, had given a very clear idea of what was the intention of the Legislature in the making of the existing law, and of what was the spirit of the law. There was, however, great vagueness with regard to the letter of the law. It was interpreted in very different ways by both masters and men. On the one hand, it was a trap for the men, who fancied that they could do things which perhaps were illegal; and on the other hand, as was seen in a recent case, some masters wished to use the law for purposes for which it was not intended. It was quite clear that the word "coerce," upon which all depended, was subject to more interpretations than one, and that its true meaning ought to be clearly defined. The important relations of labour and capital, which had greatly improved, would be still further improved by debates such as the present and by the action of the Government. They could not hope to avoid disputes between masters and men, but it was in the interests of both that means of reconciling their differences should be afforded to them. With respect to the important branch of the subject which related to intimidating and obstructing workmen, he trusted the right hon. Gentleman would consider the Amendment to which reference had been made. They could not expect to get rid of strikes altogether, and while they lasted the labourers would try and find out who took their places, and, as far as he could see, there was no harm in their endeavouring to induce them not to work. He thought if by the adoption of those or some other words he should render the Bill a perfect solution of a very difficult legal proposition,

*Mr. W. E. Forster*

Her Majesty's Government might go to the Recess with—to use an American phrase—a very good record before their own friends, and they might do so with the feeling that many of those who sat on his (Mr. Forster's) side, when they went to the country would not be able to say much against them. At any rate, they had secured this advantage—that one or two very important principles were acknowledged. One was that the legal relations between labour and capital were to be treated in the same way as were the ordinary business relations of life; and next, that contracts between master and man were to be conducted in the same way as contracts between any other buyer and seller were. Those principles had been expressed in the speech of the right hon. Gentleman, and it was satisfactory to find that they were adopted in the Bill.

MR. HUSSEY VIVIAN said, he also had to thank the Home Secretary for having introduced the Bill. Every right-minded employer of labour would hail with satisfaction the removal of the last remnant of penal laws, and that, in future, disputes between master and servant would be settled by the civil law, and also that the employer and the employed were to be placed on a perfect system of equality so far as the law was concerned. He considered the remarks of the hon. Member for Stafford (Mr. Macdonald) with regard to the tinplate masters of Swansea unjustifiable. In writing the letter they did, warning the masters not to employ the men, they only adopted the principle admitted by the hon. Member—the right of any workman to endeavour by fair argument to induce others to adopt a particular course. He demurred altogether to such an act being classed with "picketing" or "rattening."

MR. BURT said, the right hon. Gentleman the Home Secretary had placed before the House his honest and well-meant attempt to settle a difficult subject. His speech on introducing the two measures gave evidence that he had well considered the question, and it was done in an admirable tone and spirit. Although he did not at all agree with the noble Lord who opened the debate (Lord Robert Montagu), that the House had never cared about the interests of the working man, still he believed that until very recently the House considered

that the working man belonged to a different order and required different laws from those which applied to other classes. Wages were kept down by the law, trades unions were declared illegal, and when they ceased to be legal their funds were left without protection. However, the Act of 1867 was certainly a great step in advance, as was also the Trades Union Act of 1871, and the Bills before the House were a further step towards their relief; and although they did not go so far as they ought, they would go far to remove many of the grievances of which the working men complained. The right hon. Gentleman had laid down this broad principle very freely—that in future an ordinary breach of contract should be a civil offence simply, and that principle, if fully carried out, would go far to place the question of contract on a proper footing. There were clauses in the Bill, however, which would require a good deal of consideration in Committee, and that observation related especially to the 5th clause. He should like to know whether, under that clause, an act was to be regarded as criminal simply because of the large amount of the damage done; if so, that was a dangerous principle to lay down. It would be desirable to introduce several Amendments into the Bill in Committee. The tribunal before which the parties were to go was a great improvement upon our past legislation, and he wished the right hon. Gentleman could have gone further. There was a strong feeling of distrust in the minds of working men in being taken before a local magistrate. They did valuable service to the country, and gave up considerable time to the discharge of their duties, and no doubt, as a general rule, they endeavoured to administer the law fairly and justly; but as a rule they were employers of labour, and were prejudiced, and sympathized with them. It was a false position for them to be placed in. At the same time, he would equally object to employers being tried by working men. No doubt, the Home Secretary had gone as far as existing machinery would enable him, but it would be desirable to go further in the future. He deeply regretted, and it was shared in by a large number of persons outside the House, that the Home Secretary had not seen his way to deal with the Criminal Law Amend-

ment Act. He did not go so far as the noble Lord the Member for Westmeath in defending the evils of rattening, and he had only given a qualified support to picketing, but he had never advocated it. He would throw no obstacle in the way of moral suasion and advice, which the right hon. Gentleman opposite said the law would allow of; but the legislation with regard to picketing was in a very unsatisfactory state; and being capable of such varied definitions, it would require the serious consideration of the House, and should be explained in a simple, clear, and intelligible form, so that it could not by possibility be misunderstood. The men who had been recently released were not the men for whom gaols ought to exist, and he was very glad to hear the Home Secretary state the other night that prisons should be the resort of criminals only. These men had simply given advice, and a very strong and irritated feeling was produced in the minds of the working classes by that conviction. The working men of this country were loyal, but their allegiance was strained to the greatest possible extent when that House passed laws that were not in harmony with the highest moral sense and intelligence of the community. When men were convicted and punished they ought to feel that they had merited the strongest reprobation for having committed an offence against the State; but here the case was different, and the men who were liberated a short time since were considered, and justly so, as "heroes and martyrs." The Criminal Law Amendment Act demanded the serious consideration of the House, and he hoped the Home Secretary, whose intentions were good, and who really comprehended the subject, would yet deal with it with a view to its amendment.

MR. M'LAREN said, he was induced to address a few words to the House because the hon. Member for Stafford (Mr. Macdonald), in referring to the opinion of trades unions in the country regarding this Bill, had stated that the united trades of the city of Edinburgh had petitioned against the Bill. Now, he trusted neither the Home Secretary nor the House would suppose that opinion indicated the real opinion of the great constituency of Edinburgh. He begged leave to say that it did not, because the constituency of Edinburgh cordially approved of the main principle of these



two Bills. At the last election for Edinburgh a number of candidates appeared, and the trades union leaders were determined that no man should be returned unless he would agree to the total repeal of the Criminal Law Amendment Act. He was not going to enter into any details, but he would simply say that those candidates who most entirely approved of the policy of the trades unions were found at the foot of the poll, and those candidates who in the strongest manner disapproved of the policy of trades unions, and maintained that the Criminal Law Amendment Act was, in substance, a right Act, and that the law against picketing was a proper law, were at the top of the poll at the election. He looked upon this as a very important fact coming from the constituency he had the honour to represent. He had a number of formal questions put to him, and he answered those questions in a careful manner. Having refreshed his memory by looking at those answers again, he found that they were identical in principle with the principles of these Bills. There was no necessity for picketing to extend beyond the hours at which workmen were going to and leaving their work. Trades unions comprised only a small proportion of the working men of the country; picketing had to be resorted to against those who did not belong to unions; and the object of it was to interfere with freedom of contract, and to endeavour to compel men to cease to work in particular places in which they were willing to work. He therefore held that it was essential—whatever might be done to bring about better relations between employer and employed, nothing was more essential than to protect one class of the employed against the tyranny of another class of the employed. The law against picketing he did not regard at all as a law to protect masters against workmen, but to protect one class of workmen against another class of workmen. Every workman in this free country ought to be able to go to work where he liked, and he agreed with the hon. Member for Sheffield (Mr. Mundella), who said he despised picketing because it was un-English, and ought not to exist in a country like this.

Mr. MUNDELLA explained what he said was that every Englishman had a repugnance to espionage.

*Mr. M'Laren*

Mr. M'LAREN said, that was exactly what he understood the hon. Member to say—namely, that he was opposed to picketing. He would make a suggestion in reference to one of the clauses of the Bill.

Mr. SPEAKER pointed out that it was not competent for the hon. Member at that stage of the Bill to enter into a discussion of the clauses.

Mr. M'LAREN, in conclusion, said, he cordially approved of the measures, and hoped they would be passed with as few Amendments as possible.

Mr. NEWDEGATE said, the right hon. Gentleman the Secretary of State for the Home Department had, he thought, fully met the wish of the House in proposing as a measure of public policy to place employer and employed upon an equality before the law with respect to contracts; but some of the speakers in the course of the discussion appeared to have urged the right hon. Gentleman to go further, and his (Mr. Newdegate's) opinion was, that the Government would not be supported by public opinion in going any further in this direction. He had been an employer of labour for many years, and he had been exceedingly fortunate in one respect; because, although there had been at different times strikes all round his colliery in the district in which it was situated, there never had been a positive strike among his workmen. In that respect he had been very fortunate; but at times that good understanding had exposed them, both employer and employed, to very great pressure on the part of the trades unions, and from those who had interfered to disturb the labour of the district. He wished to point out to the right hon. Gentleman the Home Secretary that the tendency of the legislation now before the House was to increase the power of the trades unions. Every impediment that they removed in the sense of the old law of conspiracy was an encouragement to trades unionism. He had never resented any man's belonging to a union if he thought fit; but he had been made sensible, and so had many others, workmen as well as employers, of a disposition to exercise a something more than moral terrorism on the part of those unions; and at present they seemed determined not only to decide, where they could, how industry should be controlled, but to erect tribunals of their own, totally irrespon-



sible to any other authority, for the decision of all questions relating to labour. His opinion was that, after those Bills had passed, the Legislature would have not only to recognize these trades unions, but they would be compelled to regulate them, for trades unionism was becoming a source of great power, was in fact, creating a new jurisdiction. Those trades unions were practically large employers of labour for their own purposes, and had formed organizations, armed with large funds, collected from the whole United Kingdom, the pressure of which might at any time be directed upon some single sphere of industry with most oppressive effect; and that was done by persons connected officially with those trades unions, who seemed lightly to regard the laws relating to libel, or slander, while impugning the conduct of those with whom they might happen not to agree, or whose action they desired to control. If further scope was to be given to that system of combination, it would, he thought, be found essential that that system, that those trades unions, should be more than merely recognized by law; that they should be made responsible for any injury they might inflict. That was the view he took of the present position, and of the probable effect of that Bill. In common with the whole House he cordially recognized the worthy intentions of the right hon. Gentleman at the head of the Home Department, as embodied in it; but his own experience suggested that he should give his voice in support of the few words of wholesome caution which fell from the hon. Member for Edinburgh (Mr. M'Laren). It seemed to him that if the Legislature proceeded thus far in facilitating the action of trades unionism, it must also be prepared, not merely to recognize, but to regulate trades unions, and to render them corporately responsible for any damage they might inflict.

MR. HOPWOOD, viewing the Bill on its intrinsic merits, considered that it justified most of what had been said in its favour; but he contended there were certain details which might usefully occupy attention in Committee. He trusted that the House would not agree to the clause giving power to imprison an apprentice for one month upon his committing a breach of contract, because he believed it would do more harm than good. The Home Secretary had cer-

tainly drawn the question of conspiracy out of the vague position in which it stood at common law; but he had still left it in such a position as that the mouths of men charged with the offence were shut when on their trial, and they were not even permitted to call their wives as witnesses on their behalf. He hoped the Secretary of State would see his way to altering this provision, when the Bill was in Committee, for without such permission, it was impossible that the law could be effectually carried out. He also hoped pains would be taken to define more clearly than was the case at present the offence of coercion which was to be punishable under the Bill.

Question put, and agreed to.

Bill read a second time, and committed for Monday next.

#### NATIONAL DEBT (SINKING FUND)

BILL.—[BILL 142.]

(Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith.)

#### THIRD READING.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."—(Mr. Chancellor of the Exchequer.)

MR. J. G. HUBBARD, in rising to move, as an Amendment—

"That it is inexpedient, as proposed by this Bill, to require by law the reduction of the National Debt, by annual accounts of constantly-increasing magnitude, without any limitations of time,"

said, the Bill had been read a second time without any discussion, and through the forms of the House he had not, since the Motion for going into Committee, had an opportunity of asking the right hon. Gentleman the Chancellor of the Exchequer for an elucidation of some of the provisions of the plan which he thought required explanation in order to make them satisfactory. He had drawn up his Amendment in as precise terms as possible, so as to prevent misconception of the character of the proposal which he had made to the right hon. Gentleman, and which was that £5,000,000 should be yearly set aside, and be an item in the Budget expenditure for the purchase and cancellation of Government Stock in the open market. The right hon. Gentleman the Member for Pontefract had stated that his proposal was a regular conundrum; but

that right hon. Gentleman had since admitted to him that when he used that expression he had not made himself acquainted with the real character of the proposal. The same right hon. Member had committed himself to an assertion which showed that he had not mastered the question of Terminable Annuities, when he spoke of the connection existing between a possible surplus and those Annuities: when in the very nature of things they were opposed to each other, the surplus being an asset and the Terminable Annuities being so many Government liabilities. The Chancellor of the Exchequer, in his Budget speech, expatiated with very great truth on the great inconvenience of one feature belonging to Terminable Annuities—namely, their spasmodic action. He had himself, therefore, suggested a scheme of Terminable Annuities for the reduction of the Debt which would be regular and continuous in its operation year by year, and not open to objection on account of its spasmodic character. The objections which were raised to his plan in the previous debates were founded on an entire misconception of its character. He maintained that, so far from their being able to apply an annually increasing sum to the reduction of the National Debt as proposed by the right hon. Gentleman, it would be impossible, as the Debt became diminished, to go on applying even the same sum to its reduction. He should be glad, therefore, to hear what were the right hon. Gentleman's ultimate and deliberate views as to the amount of Debt which it would be practicable to redeem from year to year. If the Chancellor of the Exchequer would take due time to consider the question, they might, perhaps, in another Session, have a measure on that subject connected with the Savings Banks introduced in a shape which might meet with the acceptance of the House. The right hon. Gentleman concluded by moving his Resolution.

The Amendment, not being seconded, was not put.

MR. LOWE: Sir, I wish to offer a few words of explanation to the House in vindication of myself. In the debate on going into Committee on this Bill, the Chancellor of the Exchequer was vigorously attacked by my right hon. Friend the Member for Greenwich, for having, as he said, trusted to the normal

increment of the taxes to meet some extra expenditure beyond that which was provided for. The Chancellor of the Exchequer, in his reply, stated that this zeal of my right hon. Friend seemed to be an intermittent one, and then he quoted Questions that were asked me in 1872, to this effect—

"Mr. Selater-Booth asked the Chancellor of the Exchequer . . . Although the right hon. Gentleman estimated his surplus at a little over £300,000, he gave the Committee to understand, with some complacency, that it would probably be his duty to propose later on in the year a Supplementary Estimate of £400,000, and that sum he proposed to meet by the growth of Revenue, of which he had taken no account in his Estimate of the present year."

And then the answer I gave was also read—

"The Chancellor of the Exchequer: That is quite true. But, on the other hand, I have taken no credit for the corresponding increase on the other side which will make up the deficiency, and more than make it up."

So that the Chancellor of the Exchequer argued from these premises, and, I am bound to say, with very great force and plausibility, that while he was being taken to task by my right hon. Friend for having counted on the normal increase of the Revenue—that is, on something beyond the Estimates he laid before the House, to meet his liabilities, I had been guilty of the very same thing, whatever the offence might amount to. It certainly appeared a very fair retort, and I was not at the moment able to give the explanation which was required. I felt confident in my own mind that I had not done so; but I was not then prepared to prove it, therefore I have remained all this while under the imputation. I have, however, looked into the matter, and it stands thus—It is perfectly true that I had only a surplus of £300,000 in 1872. It is also perfectly true that I said that, judging by the experience of other years, and knowing that Supplementary Estimates ever since the passing of the Exchequer and Audit Act have become a matter of necessity, I estimated that the Supplementary Estimate would be the same as it was the year before—that is, £420,000; and it is also perfectly true that I said I had made no provision for the odd £120,000 beyond my £300,000 estimated surplus, but had trusted to the increase of the Revenue for it. So far, therefore, nothing could seem clearer against me than the state of the case, and the allegation

*Mr. J. G. Hubbard*

seems to be borne out. But there is one important fact which could only be discovered by reading—as I have been obliged to read—the Budget Speech of the year, and that fact is this:—I estimated my Revenue, and I never varied my opinion of what that Revenue would be so long as the circumstances remained the same as when I made the Estimate. I took off £3,300,000 in taxes—*income tax*, 2*d.* in the pound, and other things—and then I left myself a surplus of £300,000; and having this Supplementary Estimate to meet, and having only that £300,000 estimated under the altered circumstances of the case—that is, these Estimates having been made before I took off this £3,300,000, and looking at them after that was taken off—I did presume that the relief to the taxpayer of £3,300,000 would have the effect of increasing the Estimates of the year to an extent larger than the £120,000 which I was short of. That, of course, has no resemblance to the case referred to by my right hon. Friend the Chancellor of the Exchequer. I did not rely on the Estimates under the same circumstances; but I relied that after the very great change in taxation that had taken place, the Revenue would be increased in consequence of it, and I maintain that my expectations were fully realized, because not only did I get the £120,000, but I got a surplus of no less than £4,700,000 for the next year. I do not know that I have been unfairly misrepresented in the matter, because it was a mistake very natural to fall into under the circumstances; but the explanation shows that whether my right hon. Friend was right or wrong in what he did, my case was distinct from his, because the Estimates I relied on were subject to increase, not from the normal increment of expenditure, but from causes which I myself had set in motion.

MR. CHARLES LEWIS thought that the course taken in reference to this Bill was somewhat unfortunate as regarded the point of its effect upon the permanency of the income tax. Neither the House nor the country had up to the present moment had any explanation as to whether by this Bill it was intended directly or indirectly that the income tax should form a permanent portion of the Revenue of the country. It seemed to him, however, the measure would really involve the retention of that tax indefi-

nately for the purpose of paying off Debt, and that the real meaning of the Bill was that the income tax was to be perpetuated. It might be that at the present time, with that tax at a very low rate, people were quiescent in regard to the matter; but if it was to become a permanent source of Revenue, the time would come when it would be treated by Chancellors of the Exchequer as it had been treated before, as a balancing item to be increased at pleasure, and the result would be its becoming a continually irritating sore in the minds and the pockets of the people of this country. The inquisitorial character of the tax, its tendency to promote fraud, its inequality of incidence, were just as great as ever. In the course of the next eight or ten years there would be a large reduction in the amount of interest payable upon the National Debt, and it being anticipated that an agitation would then commence in favour of the abolition of the tax, this measure was brought in with a view of binding Parliament, and preventing it from yielding to that agitation. At the present moment the tax produced some £4,000,000 per annum, while the interest payable on the Terminable Annuities amounted to somewhere about £4,500,000 per annum, and therefore it was evident that the finances of the country had been so worked that at the present time the income tax was maintained for the purpose of providing a fund for paying off Debt. At the time of the Crimean War the tax was used as a tax for a great national purpose, about which the whole nation was agreed; but since then the truth was that the nation had been induced to forget the bargains which successive Ministers of the Crown had made with it in connection with this tax, and there was great danger that the tax would eventually be allowed to slide into and become a part of the permanent Revenue of the country. Successive Prime Ministers and Chancellors of the Exchequer had been committed on that point, and yet the effect of our financial policy during the last 15 years had simply been to bring us to this state of things—that the income tax was now required and maintained for the purpose of paying off Debt. He had always looked with regret to the possibility of its being said that under a Conservative Government with a Conservative majority the tax should be made permanent. The tax in its present



form was unequal and unjust, promoted fraud, and was productive of great evils amongst the commercial classes; and he therefore wished to justify his conduct on this occasion by saying that were he to remain silent he should hereafter be taunted with having been a consenting party to the permanent retention of the tax by having sanctioned this Bill. If he were forced to do so alone, he should be willing to go into the Lobby by himself to vote against it. He begged to move an Amendment in somewhat similar terms to that which had been moved by the right hon. Member for the City of London on the Motion for going into Committee upon the Bill, to the effect—

"That, as reduction of Debt implies taxation in excess of the requirements of the State for the services of the year, the pressure of the income tax should be diminished to the extent of the interest saved upon the amount of Debt previously redeemed."

The Amendment, not being seconded, was not put.

MR. FAWCETT thought that as the third reading of the Bill had been on the Order Book for some time without any Notice being given of opposition to it, the hon. Member for Londonderry had adopted an unusual and inconvenient course in raising a discussion on the subject now. What the hon. Member had said would certainly not induce him (Mr. Fawcett) to oppose the Bill, but rather supplied him with an additional argument for supporting it. He should not have troubled the House with any remarks, but for the fact that the discussion of the Bill had hitherto been confined to the two front benches, and because he feared from the manner in which the subject had been treated on his own side of the House, that an impression might be created in the country that if the Liberal Party returned to office they would not consider that it was under any very strong obligations to continue the principle and plan embodied in the measure. A question of greater importance could scarcely come before the House than that which had reference to the reduction of the National Debt, and he regretted that it should be obscured by the raising of the issue as to the relative advantages of Terminable Annuities and a fixed appropriation. It was admitted that the time had come when they were bound by every sentiment of patriotism to make a

sincere effort to reduce the Debt. He cared not how it was reduced. It was of the first importance that it should be reduced; it was of secondary importance whether that should be done by Terminable Annuities or by fixed appropriations. For his own part, he felt bound in candour to say that he could not see any difference whatever in the relative advantages of a Terminable Annuity and a Sinking Fund. The Debt could not be reduced by ingenious book-keeping, or by a clever manipulation of figures; there was one way and one way only of reducing the Debt, and that was by obtaining a greater amount of Revenue than the actual charges of the year; and if you obtained a surplus, it was a matter of no moment whether it was applied in the form of reducing the Debt by Terminable Annuities or in the simple form of cancelling Stock. So far as he understood the scheme of the Chancellor of the Exchequer, if he had a surplus, there was nothing whatever to prevent him resorting to Terminable Annuities as a means of reducing the Debt. There was, therefore, no necessity for the House involving itself in all those intricacies about Terminable Annuities and a Sinking Fund. The simple question the House had to consider was whether the Debt was more likely to be reduced by the passing of that Bill or not. He believed that such a Bill must exercise a very important influence in the reduction of the Debt. What, he asked, was the use in saying that a Sinking Fund would fail now as it had failed in the time of Mr. Pitt? A scheme for the reduction of Debt which would have been impolitic 50 years ago might now, in the altered circumstances of the country, in its present condition of prosperity, be perfectly politic now. It was quite true that they could not control the future, and that a scheme which was accepted this year might become nugatory next year; but did the House think that if such a Bill as that under consideration had been passed by the late Government, the present Government, with a surplus of £5,000,000 last year, could have proposed the repeal of the horse duty, and have altogether ignored the subject of the reduction of the Debt? It would be easy for the political opponents of the Government to ask them this question—how it was that they had adopted what seemed to him (Mr. Fawcett) a somewhat undignified course for

*Mr. Charles Lewis*

a Government to adopt, that when they had, as last year, £6,000,000 to spare they did nothing for the reduction of Debt, whereas now, when they had nothing in their coffers, they proposed to do a good deal. The question involved was of far greater moment than the personal credit due to the Government. By passing the Bill the House would bind itself to the principle that some serious effort ought to be made to reduce the National Debt, and would tie up the hands of the Chancellor of the Exchequer as to the amount of money he would have to spend. He hoped the House would not be so unwise and so unpatriotic as to oppose the passing of the Bill. When we reflected on what our predecessors had done for us, we could not think it any undue sacrifice on our part to set aside an insignificant portion of our vast accumulated wealth for the benefit of our posterity. He believed it was no exaggeration to say that England was at least 10 times wealthier now than she was 60 years ago, and the burden of the National Debt was twice heavier then than it was now. We certainly ought not to let these days of prosperity pass without reducing our liabilities, for less happy times might come, when the Debt would be a heritage of difficulty and danger to the country, and he hoped the Bill would not only be passed, but that it would be patriotically carried out.

MR. ANDERSON said, the right hon. Member for the City of London argued that there was no connection between Terminable Annuities and a surplus, because the former was a liability and the latter was an asset; but that really was exactly where the connection lay, because the asset would be needed to pay the liability, and no prudent Chancellor of the Exchequer would ever undertake to create those Terminable Annuities unless there was a prospect of a surplus to redeem them afterwards. The right hon. Member also spoke of Terminable Annuities being a spasmodic affair; but for his (Mr. Anderson's) own part he thought it was the most regular way of paying, and he preferred that the reduction of the Debt should be carried out by that means, rather than by fixed appropriations, provided it was not carried too far. He did not at all like the proposal of the right hon. Member to set aside a fixed sum of £5,000,000 continuously every year for the reduction of

the Debt. He should like to know how the money was to be raised—it could only be done by laying on new taxation, and he, for one, decidedly objected to new taxation for that purpose. The hon. Member for Hackney (Mr. Fawcett) had said a great deal about the sacrifices our forefathers had made for us, and argued from that our duty to pay the Debt. He differed entirely from that deduction. He very willingly admitted that we should honour our forefathers for what they had done in preserving the freedom of the country. But they did not do it for us; they did it for themselves—we were not thought of at that time. What our forefathers did for us was to hand down the bill to pay, and they handed down to us a great load of Debt; and while he was anxious that this generation should do nothing to increase that Debt, should even do something to reduce it, it was most important that that should be done as easily as they could. He denied that there was any reason for making any great sacrifice for the purpose of paying a Debt which we did not incur. The analogy of the hon. Member for Hackney between the individual and the country did not hold good in that respect. He saw very little objection to reducing the Debt slowly, and he thought they had done very well indeed so far. The sum as at present proposed by the Chancellor of the Exchequer out of the £28,000,000 was not very burdensome, and not very large; but he agreed with the right hon. Gentleman the Member for the City of London (Mr. Goschen) about its gradually increasing importance—that while now the sum apportioned to reduction was less than £1,000,000, as Annuities fell in it would soon increase to £8,000,000, £10,000,000, £12,000,000, or even £20,000,000. But he had no doubt before that time arrived this Bill would be upset, for no Chancellor of the Exchequer could resist the temptation of laying his hands on that splendid sum. He did not consider that that amount of taxation of £28,000,000 could be kept up permanently without, as the hon. Member for Londonderry said, making the income tax perpetual; and as he considered that the passing of the Bill would tend to have that effect, he would vote against the measure.

COLONEL EGERTON LEIGH expressed his belief that if there had been a strong feeling in the country against the income tax it would have manifested



itself at the last General Election. He regarded the impost as a most legitimate one. But for the income tax, a man with £50,000 a-year, if he lived in lodgings and refrained from consuming taxed articles, might avoid paying a single farthing to the country. It was hard on the people in general to have to pay taxes when so many men with immense incomes had the power of escaping from every sort of subscription to their country; and it was on that ground that he was in favour of an income tax, which was the only means of touching men of very large property who would not pay a farthing in any other way. It was all very well for hon. Members to say that it was intended as a war tax, but they did not, happily, often go to war.

MR. E. J. REED said, he was very glad that some attention had been paid by the Government to the often-repeated wish of some hon. Members on both sides of the House that a determined effort should be made to reduce the National Debt, and he was sorry that the efforts of the Government in that respect had been represented to be an attempt, as they had no surplus, to create a fictitious credit for themselves, and that, too, by a process which would impose all the burden of this system on their successors. There might be some truth in that representation if it had been uttered with reference to a Government that was about to expire, but it was uttered with reference to a Government in its second year of office, and apparently in the prime of its strength. He sympathized with the hon. Member for Londonderry (Mr. C. Lewis) with reference to the income tax, and should be sorry to find that we were more permanently committed to it than before; but the views of the hon. Member for Hackney (Mr. Fawcett), so very well expressed, entirely accorded with his own, and he was not at all prepared to support the opposition offered to the plan of the right hon. Gentleman the Chancellor of the Exchequer. On the contrary, his conscientious opinion was that it was a good thing in prosperous times to make some effort to reduce the National Debt of the country.

GENERAL SIR GEORGE BALFOUR supported the Bill, and agreed in the main with the statements and arguments of the hon. Member for Hackney (Mr. Fawcett). He advocated the maintenance of the income tax on the broad

ground on which it was re-established by Sir Robert Peel, in view to changes in the taxation of the country, which bore unfairly and unequally on classes of trade. No doubt, great changes had been effected in the Customs and with immense benefit to the country. But there still remained burdensome taxes which might be abrogated or reduced. The duties on coffee, on tea, on chicory, on wine, and on fruits, still needed reform. Then, the burdens on shipping urgently needed attention to enable this country to compete successfully with other countries. There were also the duties on carriages, male servants, on guns, urgently needing relief. But still more important was the bad system of granting aids from the Imperial Exchequer towards local taxation. That bad and dangerous form of aiding localities to expend public money should be discontinued, and to that end the income tax should be applied in order to transfer to localities all those taxes which were raised locally, such as licences of every description, all of which, including the gun, dog, and game licences, should be appropriated to local uses, and the aids from the Imperial Exchequer discontinued. And with regard to the paying off of the National Debt, it appeared of little importance whether that was effected by Terminable Annuities which originated in the reign of Queen Anne, or in the direction of buying up or cancelling Consols, or to the form of a Sinking Fund as now proposed. The whole question resolved itself into one of practical administration, so difficult to enforce, that of actually doing it.

SIR JOHN LUBBOCK said, he could not support an Amendment which would defeat the measure, which he regarded as a valuable one. He could not help thinking that the statement of the hon. Member for Londonderry that hon. Members committed themselves at the last Election to the abolition of the income tax was too broad an assertion. In his opinion, anything which would have the effect of abolishing direct taxation would be simply a step in the wrong direction. Without some form of direct taxation, an unfair proportion of the national expenditure would fall on the shoulders of the working classes. But while he intended to support the present Bill, he thought it was a strong condemnation of last year's Budget. The right hon. Gentleman the Chancellor of

*Colonel Egerton Leigh*



the Exchequer spoke strongly in favour of appropriating £28,000,000 a-year to the reduction of the National Debt. But what were the facts? Why, that in the present year, he would only be enabled to set aside for that purpose £27,400,000, next year £27,800,000, and it would only be the year after he could set aside £28,000,000, or the sum set down in the Bill. He could not understand that anyone who proposed to reduce the National Debt at all could regard the sum proposed by the right hon. Gentleman as too large for that purpose. Those who were opposed to reducing it believed that in a few years they would be called on to make less sacrifices than they did at present. He thought it would not be prudent to take so sanguine a view. At the same time, he thought that there was a disadvantage in Terminable Annuities, and in the scheme proposed in the Bill. He preferred a simple repayment, for when the interest annually payable was seen to be diminishing the people of this country would be better able to appreciate the advantage of reducing the Debt. The hon. Member for Glasgow (Mr. Anderson) had said that the Bill, even if such a scheme became law, would probably be upset in a few years; but, at any rate, the Bill would throw the *onus probandi* upon those who sought to reduce taxation. The right hon. Member for the City of London (Mr. Hubbard) appeared to be under the apprehension that we should pay off the Debt too rapidly; but he (Sir John Lubbock) did not share in that fear, because he was only too much afraid that the process would be stopped prematurely. He regarded the Bill as an honest expression on the part of Her Majesty's Government that the reduction of the Debt was a wise policy, and a duty which they owed to the country, and therefore he should give the measure his hearty support.

THE CHANCELLOR OF THE EXCHEQUER said, he would not trouble the House with many observations, seeing that he had already addressed it two or three times on the subject of the Bill. He was, however, anxious to take the last opportunity of expressing his thanks to various hon. Gentlemen who had spoken, especially to the hon. Member for Hackney (Mr. Fawcett), who had so very ably and powerfully expressed the opinions which had guided the Govern-

ment in proposing the measure; to the hon. Baronet opposite (Sir John Lubbock) who had just sat down; and to other hon. Members on the Opposition side of the House, for the spirit of frankness and candour which they had displayed, and which he believed really reflected the opinion of the great majority of the country. He believed that the time had now come when there was a very general feeling of accord in favour of making a sustained effort towards the reduction of the Debt, and he thought there was a sounder and more generous feeling afloat than that expressed by the hon. Member for the city of Glasgow (Mr. Anderson) with regard to our duty to our ancestors on the one hand, and to our posterity on the other. It was hardly generous to speak of our ancestors as though they had left us nothing else than a Debt which we had to pay. They had made not only great sacrifices in their financial arrangements, but great personal sacrifices, and endured great personal hardships, and developed a power of endurance, which raised this country to the pitch of glory which she had so long maintained, and of which she was now so proud. And when he came to the financial question, let him remind hon. Members that, although it was quite true that a nation engaged in a formidable struggle for existence and independence ought to pay its way as far as it could, yet it might be impossible for it to raise the sums necessary to meet its expenditure, without laying such burdens upon it as would have choked its rising industries and would have strangled its future prospects in its cradle. He was of opinion, then, that our ancestors did wisely in borrowing rather than increase taxation beyond what the nation could bear, and in not being in too great a hurry to pay off the Debt until our finances were in a condition to bear the strain. But what was laudable in the case of our ancestors would be very wrong for us to adopt. We were now enjoying a period of great prosperity; our people were happily not overburdened with taxes, and were able to pursue their avocations with very few inconveniences and restrictions, and therefore now was the time to make an effort and endeavour to reduce our Debt. The question then was, in what way were we to reduce that Debt? He did not approve of mere spasmodic efforts in

that direction, which would be influenced by temporary political exigencies and by fluctuating finances; but he thought that we ought to systematize our efforts so as not to inconvenience the country, but at the same time make a real and permanent effect upon our Debt. We were now paying off our Debt, as far as the Terminable Annuities were concerned, at the rate of £3,700,000 per annum, and all that he asked the House to do by this Bill was to sanction the continuance of the present burden upon the country until circumstances should arise when it might become prudent for the Government of the day to propose a change in the scheme. The pressure upon the country, owing to its growing prosperity, would fortunately be less and less, while the impression upon the Debt would be greater and greater year by year. He had been asked whether he proposed to bind the country by this Bill for all time, and to that inquiry he replied that it was impossible to bind the country for all time, because it was impossible to bind any future or even the present Parliament beyond the present Session. There were, undoubtedly, two limitations to the Government proposal. One was, that if a time should arrive when it would be impossible with advantage to get Stock enough to redeem, it would be open to the Financial Minister of the day to propose some different legislation; and the other limitation was, that if a time came when our circumstances greatly altered, and when we were called upon to make far greater exertions than at present, then we should have on this system a reserve which would easily and properly be made applicable to prevent the necessity of borrowing, and to substitute for borrowing simply a cessation of paying off the Debt. But as matters stood at present what the Government asked them to do was a very simple matter, involving little or no sacrifice beyond what they were now willing to submit to. He would not go into the particular questions at issue between the right hon. Member for the City of London and himself. He admitted the authority of his right hon. Friend (Mr. Hubbard) was such that he should be sorry to set up his judgment against that of the right hon. Member; but, at the same time, he thought his (the Chancellor of the Exchequer's) proposal was in no way inconsistent with that of

*The Chancellor of the Exchequer*

the right hon. Gentleman. As regarded what had been said by the hon. Member for Londonderry (Mr. C. Lewis), he denied altogether that the Bill would have the effect the hon. Gentleman supposed in respect of the income tax. That question lay apart from this measure, and ought not to be argued in connection with it. The Bill in no way militated against what he had laid down in his Budget speech, and that was, that in regard to the income tax we ought not to use it as a financial makeweight in order to get a balance every year, but that the object should be, so long as we paid the tax, to keep it low and uniform. He would not enter further into any discussion of the measure, which he thought had already been sufficiently discussed, and would only express a hope that it might prove satisfactory to the interests of the country.

MR. MUNDELLA protested against the doctrine laid down by the hon. Member for Mid-Cheshire (Colonel Egerton Leigh) and the hon. Member for Maidstone (Sir John Lubbock), that at the last General Election the country agreed to the perpetuation of the income tax. His opinion was, that at the last Election the impression was strong that whatever Party came into power the income tax would be abolished. He should support the Bill for the reasons which the right hon. Gentleman the Chancellor of the Exchequer had assigned. He did not believe that it involved the perpetuation of the income tax. If he believed it would do so, he would not support it. But he agreed that in the present state of the country they were bound to make some fair and honest attempt to reduce, as far as possible, the mass of the Debt.

*Motion agreed to.*

*Bill read the third time, and passed.*

#### LAND TITLES AND TRANSFER BILL.

(*Mr. Attorney General.*)

[BILL 105.] [*Lords.*] COMMITTEE.

*Order for Committee read.*

*Bill considered in Committee.*

(*In the Committee.*)

*Clause 1 (Short title.)*

MR. RATHBONE wished to make an appeal to the Government. He thought

there should be some system of transfer for small properties, which the Bill did not effect.

THE CHAIRMAN pointed out that the question before the Committee was the first clause, relating to the title of the Bill, to which point the observations of the hon. Gentleman must be addressed.

MR. RATHBONE said, the title of the Bill was not a correct one, for the measure did not carry out the cheap transfer of land. It was most important that the Government should take time, and should avail themselves of their immense power in order to produce a real Bill which should provide for the cheap transfer of land in small as well as large quantities. He suggested that the Bill should be postponed until next Session.

SIR GEORGE BOWYER agreed with much that had been said by the hon. Member for Liverpool. You did not simplify a title by registering it. To simplify a title to real property you must make it rather more like the title to personalty, and abolish the distinction between legal and equitable estates.

THE CHAIRMAN again pointed out that the question before the Committee was not the general principle of the Bill, and called attention to the inconvenience of renewing discussions on the principle of the Bill upon every clause.

Clause agreed to.

Clause 2 (Application of Act).

MR. OSBORNE MORGAN said, he had given Notice of an Amendment the object of which was to include customary freeholds in the Bill. Many of these were freeholds in every respect except in name, the only difference being that they were held at a small quit-rent; a case which would be provided for by the 1st sub-section of the 18th clause. Some, however, might be practically copyholds, and as they would be dealt with by the Amendment of the hon. Member for West Sussex (Mr. Gregory), he would withdraw his own proposal in favour of that of his hon. Friend.

Amendment, by leave, *withdrawn*.

MR. GREGORY moved, as an Amendment, in page 1, line 14, after "freehold" to insert—

"in any case in which an admission or any act by the lord of the manor is necessary to per-

fect the title of a purchase from the customary tenant."

Amendment agreed to.

Clause, as amended, agreed to.

Clause 3 agreed to.

Clause 4 (Construction of terms of Act).

On the Motion of MR. ATTORNEY GENERAL, Amendment made, in page 2, after line 11, add—

"The definition of land contained in the Act of the thirteenth and fourteenth years of the reign of Her present Majesty, chapter twenty-one, intituled 'An Act for shortening the language used in Acts of Parliament,' shall not apply to this Act."

Clause, as amended, agreed to.

Clause 5 (Application for registration with an absolute title or with a possessory title only).

MR. OSBORNE MORGAN moved an Amendment enabling any trustee with absolute power of sale to register himself under the Act.

THE ATTORNEY GENERAL said, the case was provided for in Clause 7.

Amendment, by leave, *withdrawn*.

MR. GREGORY proposed an Amendment with a similar object, believing that the clause ought to describe all the classes of persons who would be entitled to avail themselves of it.

Amendment *negatived*.

Clause agreed to.

Clause 6 (Evidence of title required on application).

On the Motion of MR. ATTORNEY GENERAL, Amendment made, in page 2, line 37, by inserting after "notices," "if any."

Clause as amended, agreed to.

Clauses 7 to 16, inclusive, agreed to.

Clause 17 (Regulations as to examination of title by registrar).

SIR GEORGE BOWYER suggested that the wording of the clause should be made more definite with respect to the form of notice required to be given by objectors to the registrar.

Clause agreed to.

Clause 18 (Liability of registered land to easements and certain other rights).

MR. ALFRED MARTEN proposed an Amendment, the object of which was



to protect the rights of lords of manors in respect of mines and minerals.

THE ATTORNEY GENERAL hoped his hon. and learned Friend would withdraw the Amendment, as it was unnecessary.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clauses 19 to 40, inclusive, *agreed to*.

Clause 41 (Transmission on death of freehold land).

MR. OSBORNE MORGAN moved, as an Amendment, in page 14, line 4, to leave out from "such persons" to end of clause, and insert—

"The heir-at-law or the devisee in fee simple (as the case may be) of such sole registered proprietor, or of the survivor of such joint proprietors, shall be entitled to be registered as proprietor in his place."

MR. JACKSON thought the Amendment would make matters rather worse than they were under the clause.

Amendment, by leave, *withdrawn*.

MR. JACKSON moved the insertion of words providing that if no person has been appointed by a deceased proprietor of registered land to take his place on the register, or if such person be unwilling to act, the executor or administrator of the deceased proprietor shall be entitled to be registered. This Amendment would greatly encourage and cheapen the registration of small properties.

Amendment proposed,

In page 14, line 5, to leave out from the words "may, on the application," to the end of the Clause, and insert the words "such sole deceased proprietor or the survivor of such joint proprietors has by will or codicil appointed in that behalf. If no person has been so appointed, or if the person so appointed is unwilling to act, or there is any obstacle or impediment in the way of his registration, the executor or administrator of such sole deceased proprietor or of the survivor of such joint proprietors shall be entitled to be registered as proprietor in his place: Provided, That nothing in this section shall render any such executor or administrator liable in respect of such land to the payment of any duty charged on probate or letters of administration,"—(*Mr. Jackson*),

—instead thereof.

Question proposed, "That the words 'may, on the application,' stand part of the Clause."

SIR GEORGE BOWYER, considering the importance of the clause and the ad-

*Mr. Alfred Marten*

vanced hour—a quarter to 1 o'clock—said, he would move to report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Sir George Bowyer*.)

\* THE ATTORNEY GENERAL expressed a hope that the Bill would be proceeded with.

SIR GEORGE BOWYER said, he regarded the clause as a most dangerous one, involving a serious and questionable change in the existing law. He would, however, withdraw the Motion for reporting Progress.

Motion, by leave, *withdrawn*.

MR. MORGAN LLOYD pointed out that the question was a most important one, and hoped it would be possible in some way or other to avoid the great expenses which would be involved before the registrar.

THE ATTORNEY GENERAL opposed the Amendment. The object of the hon. and learned Member was to lessen the expense of registration; but he did not think that the Amendment would make it less costly than the clause as it stood. He intended to move an Amendment which he thought would meet the case better than the Amendment of the hon. and learned Member.

Original Question put.

The Committee *divided*:—Ayes 86; Noes 46: Majority 40.

Motion made, and Question put, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Morgan Lloyd*).

Motion *agreed to*.

House *resumed*.

Committee report Progress; to sit again on *Thursday*.

#### SUMMARY PROSECUTIONS APPEALS (SCOTLAND) (re-committed) BILL.

(*The Lord Advocate, Mr. Secretary Cross, Sir Henry Selwin-Ibbetson.*)

[BILL 191.] COMMITTEE.

Order for Committee read.

Bill *considered* in Committee.

(In the Committee.)

Clauses 1 to 3, inclusive, *agreed to*.

Clause 4 (Case may be refused).

MR. ANDERSON moved, in page 3, line 36, to leave out "or by a procurator fiscal," the object being to prevent this officer from having power to refuse an appeal.

Amendment proposed, in page 3, line 36, to leave out from the word "Scotland," to the end of the Clause."  
—(Mr. Anderson.)

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 72; Noes 35: Majority 37.

Clause agreed to.

Remaining clauses agreed to.

House resumed.

Bill reported; as amended, to be considered upon Thursday.

MAGISTRACY (IRELAND)—MR. L. J. SHEA.

MOTION FOR PAPERS.

MR. M'CARTHY DOWNING moved for certain Papers connected with the removal from the commission of the peace of Mr. L. J. Shea, formerly a magistrate of the county of Cork.

Motion made, and Question proposed,

"That there be laid before this House, Copies of the Evidence taken by Dr. Elrington, Q.C., at Tracton, in the county of Cork, in the year 1874, on the complaint of Mr. Luke Joseph Shea, then a magistrate for the county of Cork; of the Report of Dr. Elrington; and the decision of the Lords Justices thereon:

"And, of the Memorials and Correspondence between Mr. Shea, Mr. John Hennessy, J.P., and Margaret Atkins with the then Lord Chancellor, Lord O'Hagan, and Lords Commissioners of the Great Seal in the years 1873, 1874, and 1875."—(Mr. Downing.)

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET) said, he could not assent to the Motion, the production of such Papers being contrary to the usual practice.

Question put.

The House divided:—Ayes 25; Noes 68: Majority 43.

BRIDGES (IRELAND) BILL.

On Motion of Sir MICHAEL HICKS-BEACH, Bill to amend an Act passed in the Session of Parliament held in the thirtieth and thirty-first year of the reign of Her present Majesty, intitled, "An Act to afford further facilities for the erection of certain Bridges in Ireland,"

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ordered to be brought in by Sir MICHAEL HICKS-BEACH and Mr. SOLICITOR GENERAL for IRELAND.

Bill presented, and read the first time. [Bill 226.]

House adjourned at a quarter after Two o'clock.

## HOUSE OF LORDS,

Tuesday, 29th June, 1875.

MINUTES.]—PUBLIC BILLS—First Reading—National Debt (Sinking Fund) \* (178).

Committee—Canada Copyright (157-179); Local Government Board's Provisional Orders Confirmation (Abingdon, Barnsley, &c.) \* (151); Local Government Board's Poor Law Provisional Orders Confirmation (Oxford, &c.) \* (150).

Committee—Report—Public Records (Ireland) Act, 1867, Amendment (168); Drainage and Improvement of Lands (Ireland) Provisional Order \* (138); Elementary Education Provisional Order Confirmation (London) (No. 2) \* (141); Pier and Harbour Orders Confirmation (No. 2) \* (55); Local Government Board (Ireland) Provisional Order Confirmation (No. 2) \* (148).

Royal Assent—Falsification of Accounts [38 & 39 Vict. c. 24]; Public Stores [38 & 39 Vict. c. 25]; Bankruptcy (Scotland) Law Amendment [38 & 39 Vict. c. 26]; Intestates Widows and Children Act Extension [38 & 39 Vict. c. 27]; Glebe Loan (Ireland) [38 & 39 Vict. c. 30]; Railway Companies [38 & 39 Vict. c. 31]; Bishopric of Saint Albans [38 & 39 Vict. c. 34]; Turnpike Roads (South Wales) [38 & 39 Vict. c. 35]; Metropolitan Police (Surgeon, Clerk, &c. Superannuation) [38 & 39 Vict. c. 28]; Endowed Schools Act (1868) Continuance [38 & 39 Vict. c. 29]; Artizans Dwellings [38 & 39 Vict. c. 36]; Juries (Ireland) [38 & 39 Vict. c. 37]; Metropolitan Management Acts Amendment [38 & 39 Vict. c. 33]; Survey (Great Britain) Acts Continuance [38 & 39 Vict. c. 32]; Saint Paul's Cathedral (Minor Canonries) [38 & 39 Vict. c. 74]; Public Health (Scotland) Provisional Order Confirmation (No. 3) [38 & 39 Vict. c. 73]; Local Government Board's Provisional Order Confirmation (No. 2) [38 & 39 Vict. c. 75]; Local Government Board's Provisional Orders Confirmation (No. 3) [38 & 39 Vict. c. 76].

CANADA COPYRIGHT BILL—(No. 157.)  
(The Earl of Carnarvon.)

COMMITTEE.

House in Committee (according to Order.)

THE EARL OF CARNARVON said, that as he had stated to their Lordships on the second reading, the Bill would prohibit the importation into this country of English copyright books reprinted

in Canada. He was now about to move Amendments, the objects of which were to allow the importation of such reprints into other Colonies, and also to allow their importation into the United Kingdom when they were imported by the owners in the United Kingdom of the copyrights, or by persons authorized by those owners. The main object of the Bill was to prevent the importation into Canada of pirated editions of English copyrights.

Amendment made, in page 2, line 17, leave out from ("Bill") to the end of the clause, and insert—

"It shall be unlawful for any person, not being the owner, in the United Kingdom, of the copyright in such book, or some person authorised by him, to import into the United Kingdom any copies of such book reprinted or re-published in Canada: and for the purposes of such importation the seventeenth section of the said Act of the fifth and sixth years of the reign of Her Majesty, chapter forty-five, shall apply to all such books in the same manner as if they had been reprinted out of the British dominions."

Then it was moved to insert the following clause:—

"The said Order in Council, dated the seventh day of July one thousand eight hundred and sixty-eight, shall continue in force so far as relates to books which are not entitled to copyright for the time being, in pursuance of the said reserved Bill."

Clause agreed to.

Further Amendments made: the Report thereof to be received on *Thursday* next; and Bill to be *printed*, as amended. (No. 179.)

PUBLIC RECORDS (IRELAND) ACT, 1867.  
AMENDMENT BILL—(No. 158.)

(*The Lord Chancellor.*)

COMMITTEE.

Order of the Day for the House to be put into a Committee on the said Bill, read.

THE EARL OF BELMORE said, he wished to say a few words about the Bill before the House went into Committee. It dealt with a subject of considerable importance, and a Bill dealing with it had been twice before their Lordships before; the first time, two years ago, when his noble and learned Friend (Lord O'Hagan) brought in a Government measure to deal with it; and the second time last year, when he himself, at the instance of the General Synod of the Irish Church, had, as a private Member, brought in a

*The Earl of Carnarvon*

Bill. His own Bill last year provided that the originals of the registers of births, marriages, and deaths, should be taken to Dublin and placed in the custody of the Master of the Rolls, whilst certified copies should be made, and sent down to the parishes, where they would be accessible to persons in the localities. It also provided for the compensation of clergymen who would be deprived of fees by the removal of these records from their custody out of the funds of the late Established Church; and this he thought was the rock upon which the Bill had split, for it was owing to the objections of the Government to this part of the measure that it was not persevered with. The present Bill, on the other hand, whilst it provided, as he understood it, that the legal custody of all registers of births, marriages, deaths, and ordinations should be in the Master of the Rolls, left the actual custody of those belonging to parishes whose present incumbents had had charge of them before the passing of the Irish Church Act with those incumbents, until they either died or left the parishes they were in at the time that Act passed. After either of these two events should have happened they were to be sent to the Rolls Office in Dublin, and persons who wished to make searches would have either to go to Dublin, or to employ someone in Dublin to do so for them. He supposed the object of this was to avoid the necessity of compensating the clergymen; but it did not leave the books for the present any safer than they were before. The Bill further provided that where entries had been made in books since the Church Act passed, the Master of the Rolls might make an order for them to be left for an unspecified time—but he supposed until they were finished—with new incumbents, who were to be bound to take care of them. There did not appear, however, to be any method provided by the Bill for enforcing the obligation. He was much obliged to his noble and learned Friend for bringing in this measure; but he had thought it well, in the interests of the persons affected by it, to call attention to the different method, from that of last year, now proposed of dealing with these records, which had been hitherto very liable to be injured or destroyed. He did not mean to move any Amendments, as he had no doubt



that the matter had been carefully considered, and that there was some good reason for what was to be done.

THE LORD CHANCELLOR said, that the matter had been found to be one of considerable difficulty, and the method proposed by this Bill differed from that proposed by one, if not by both, of the two former Bills. The Bill brought in by his noble Friend (the Earl of Belmore) last year provided that the original records should be taken up to Dublin, and kept there, and that copies should be made of them and sent down to the parishes. There were, however, several thousand volumes of these books; he could not at the moment say how many. To copy them all would take several years and involve great expense, and when done they would be sure to be full of inaccuracies, so much so that no one would be satisfied with them, but would in case of a search insist on consulting the original volumes. It was thought only fair that those incumbents who had charge of them up to 1870 should continue to do so, until they either died or left the incumbencies they then held. In the case of unfinished books the Master of the Rolls might make a special order to leave any of them with an incumbent appointed since that date, until the book was finished, security being taken he would take care of it; and it was thought to be not unreasonable to impose this duty upon him. He was glad to find that his noble Friend did not intend to propose any Amendments.

House adjourned at half past Five o'clock, to Thursday next, half past Ten o'clock.

## HOUSE OF COMMONS,

*Tuesday, 29th June, 1875.*

MINUTES.]—SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES.

PUBLIC BILLS—*First Reading*—Gas and Water Orders Confirmation \* [228].

Committee—*Report*—Royal Irish Constabulary \* [219].

The House met at Two of the clock.

## RAILWAYS—LADIES' COMPARTMENTS. QUESTION.

LORD ERNEST BRUCE asked the President of the Board of Trade, Whether, if under existing Acts of Parliament the Government have power to compel Railway Companies to set aside one or more compartments in each train for the exclusive use of ladies travelling alone, there is any power on the part of the Railway authorities to compel ladies travelling alone to occupy those compartments in preference to others?

SIR CHARLES ADDERLEY: Sir, no Act of Parliament enables the Board of Trade to compel railway companies to set aside compartments for the exclusive use of ladies travelling alone. I hope the Board of Trade will never have such regulations between companies and the public in their hands on the part of the Government. The Board of Trade can approve by-laws, but not impose them. Most of the companies have such a regulation, and do set apart compartments for ladies. But, as the noble Lord's very natural Question suggests, they cannot compel ladies to use them. I am not sure that it is not as requisite that compartments should be set aside for men into which women should not be admitted.

## PUBLIC HEALTH (SCOTLAND)—LEGISLATION.—QUESTION.

MR. W. HOLMS asked the Lord Advocate, If he proposes to introduce a Bill this Session to consolidate and amend the Acts referring to Public Health in Scotland, on the same basis as the Bill entitled "The Public Health Act, 1875," now before the Legislature; and, in particular, if he proposes to include a provision for enabling local authorities in Scotland to borrow money from the Public Works Loan Commissioners for sanitary purposes, at as low a rate of interest as has been conceded in regard to loans to local authorities in England?

THE LORD ADVOCATE: In 1867 I introduced a Bill into this House for the purpose of consolidating the laws relating to public health in Scotland. That Bill passed into law, and has been in operation since that time, and has given considerable satisfaction in its working. Therefore, it is quite unneces-

sary to proceed in the way of consolidating those laws, though it was my intention at one time to introduce a Bill for the purpose of making some amendments with a view to improve the Act. The state of Public Business, however, has prevented me from doing so. At the same time, I am glad to say that I have the authority of the Chancellor of the Exchequer to say that he will consent to my introducing a Bill to enable money to be borrowed in Scotland from the Public Works Loan Commissioners for sanitary purposes, the same as is done in England and Ireland. As this privilege has been granted to the other two kingdoms, I do not apprehend that its extension to Scotland will give rise to much discussion.

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### THE INDIAN CIVIL SERVICE.

##### MOTION FOR A SELECT COMMITTEE.

MR. LOWE rose to call attention to the position of the Civilians in the North-West Provinces of India; and to move for a Select Committee to inquire and report upon the Memorial of members of Her Majesty's Civil Service in India to the Secretary of State for India in 1873, and on the Correspondence relating to such Memorial laid before the House. The right hon. Gentleman said, he rose for the purpose of calling attention to what he believed to be the grievous wrong which was sustained by a portion of the Civil Service in India. For that wrong no remedy could be obtained except by appealing to the House of Commons. This grievance was an old one. As soon as the English Government obtained a secure footing in India by the overthrow of the Native Princes, adventurers went out from this country armed with letters from persons of influence here, recommending them for situations and employment. In the last speech delivered in that House by Lord Macaulay, he told a characteristic story of Lord Clive, who, when one of these young men came out with a letter of recommendation, being evidently unfit for employment, remarked to him in his

*The Lord Advocate*

peculiar way—"Well, chap, what do you want to be off?" And, in fact, large sums of money often used to be given to these young men out of the revenues of India to induce them to return to England. Ultimately a close service was established for India; but it was thought better that the patronage should be dispensed in England rather than in India, because there would be greater responsibility. This was the system existing up to 1853, when Parliament determined to maintain the close service in India, but to alter the conditions on which appointments should be made. Instead of men getting these situations by patronage, they were to be appointed to them after competition; but when they were once so appointed the close service was to be retained, and that was the principle of the Act of 1853. In a speech delivered by Lord Macaulay on June 24, 1853, he pointed out that some gentleman of great ability thought that the best mode of improving the government of India would be by throwing open the Service, and remarked that it seemed plausible to propose that the Governor General should choose his own servants; but he prophesied that the destruction of the old mode would lead to a system of great abuse in the distribution of patronage; instead of purity, there would be a return to the old traffic in appointment by letters of recommendation, which would be treated as Bills of Exchange drawn upon the revenues of India in return for Parliamentary support given in that House. In 1793 an Act was passed providing that vacancies in any office under the degree of Councillor should be filled up from the Civil Service belonging to the Presidency in which the vacancy occurred. This was the charter of the Indian Civil Service. When the change took place in 1853, he (Mr. Lowe) filled the office of Secretary to the Board of Control, and it devolved upon him, Lord Halifax then being at the head of the Department, to bring the new regulations into effect. Therefore, the members of the Civil Service in the North-West Provinces came to him to ask him to state their grievances. Up to 1857 things went on prosperously. In the year 1857 the Civil Service Commissioners addressed to the Government of India a communication stating how little was known in this country of the great advantages to be derived from taking a

place in the Indian Civil Service, and they desired to have information as to the offices and salaries with a view to stimulating competition for these appointments. The Government of India complied with this request. In an official letter Mr. Melville gave the information which was asked for, and it was put before the public by the Civil Service Commissioners in the most formal manner on behalf of the Government of India. This had a great effect in inducing young men to become competitors for places in the Indian Civil Service. His noble Friend the Under Secretary for India had, doubtless, been instructed by the Government to deny that there had been any breach of faith in this matter at all. He thought it was clear, however, that if the Government of India instructed the Civil Service Commissioners to make statements in order to induce young men to offer themselves for the Civil Service of India, although it was not bound in all circumstances to see that the statements were fulfilled was certainly bound to act fairly towards those men, and to do nothing wilfully which would diminish the advantages it had promised to them. All he maintained was, not that the Government of India was bound to do anything beyond what it undertook to do, but that it ought not wilfully to take away the advantages it had promised. If it should appear that it had taken away those advantages, then, he maintained, it had committed a breach of faith. But he had also to rely on the Act of Parliament he had already quoted, and he would show the House that that statute had been repeatedly violated. He might further rely on the interest of the Government in this matter. Who could suppose that any enlightened or civilized Government would take the greatest trouble in order to gather from all quarters the ablest young men to be found in this country, that it would train them at great expense for two years in England and for two years more in India, and that after all it should place over their heads persons who had gone through no such test? The decline of the system began in 1861, when an Act was passed enabling the Indian Government, with certain very stringent safeguards, as they were considered to be, to appoint persons other than civil servants to offices previously appropriated to members of the Civil Service of India.

No doubt, the Act was passed with the best intentions, and was partly justified by the great pressure caused by the number of vacancies which resulted from the deaths occurring during the Indian Mutiny, and the further pressure brought about by the increase of our territory. He did not want to exaggerate or overstate anything, and he admitted that this Act had not been very freely used. But if things went on as they were at present doing, it would come about that the Act would be much more freely used. He thought the Act was to be extremely regretted, because it was in some degree a breaking of faith with those persons who had gone out to India on the faith of the Act of 1853. Protests were made when this Act passed by members of the Council in India, which clearly showed their opinion of the extreme danger of breaking down the close system in India. Mr. Mangles and Lord Lawrence were two of those who so protested. There was besides another Act passed in 1870 which threw open to Natives certain offices which were formerly tenable only by members of the Civil Service. Of course, no one could object to Natives being appointed to posts for which they were fitted; but this was nevertheless a breach of faith to those members of the Civil Service who went out on the faith of the previous statute and the declarations he had referred to. There was on the part of the Indian Government a distinct duty, which, if assumed by an individual, any Court of Law would have forced him to perform. There was no Court of Law before which this case could be tried. These people had no refuge but the sense of justice of the House of Commons, and to that sense of justice he appealed. He would confine his remarks to the civilians who were in the North-Western Provinces. There were regulation and non-regulation Provinces. The regulation Provinces were Madras, Bombay, Lower Bengal, and the North-Western Provinces—the non-regulation Provinces were Oude, the Punjab, Burmah, and the Central Provinces. Lord Dalhousie made, in 1856, some resolutions in the case of the North-Western Provinces. These resolutions were, in fact, decrees binding on the Government of India, and they were to the effect that the Punjab and Oude should be served by civilians of the



North-Western Provinces. Lord Dalhousie also made a regulation that at least one-half of the persons employed in the offices of these two non-regulation Provinces, Oude and the Punjab, should be civil servants. That regulation was laid down in 1856, but from that time to the present it had never been observed. In 1867 Lord Lawrence, then Governor General of India, went further than Lord Dalhousie, for he laid down by resolution that the civilians should have two-thirds of the situations in the non-regulation Provinces. As, however, they never obtained one-half of the situations, of course they never obtained two-thirds. The Civil Service in the North-Western Provinces was reduced by the means he had described to a condition which was perfectly miserable, as compared with what the civil servants there had a right to expect. That was the charge he had to bring against the Indian Government, that they had broken faith by not preserving their own regulations which were still in force, and had continued to draw persons from England by competition just as if they had not filled up the places by other means. That charge the Government themselves admitted in so many words. Why was it that the resolutions of Lord Dalhousie and Lord Lawrence had not been adhered to? The reason was only too simple. The Indian Government had taken military men, and had placed them in the Civil Service to the exclusion of those for whom that service was supposed to be reserved. The result was that it was overcrowded. That was not all. These gentlemen having been put into a service where they had no right to be, and having interest, and being well befriended, rose rapidly in the service, and were put over the heads of civilians who were better qualified, but who had no interest, and who were not influentially befriended. These military men filled all the best posts of the Civil Service in the provinces he had mentioned, and the civilians were kept in the lowest grades. So that what they had got was a service officered greatly by men who had gone through no competition and given no proof of fitness, and they had the very pick and flower of English youth serving under them in comparatively insignificant situations. If he were able to call a Committee and to

establish this case, was there any man in that House who would tell him that a case of breach of faith of the greatest character had not been established? In 1857, when the Papers he had alluded to were published by the Civil Service Commissioners in order to induce persons to compete, the number of Bengal civil servants was 392, and of these only 134 drew less than £1,000 a-year. In 1874 there were 526 civil servants in Bengal, of whom 234 drew less than £1,000 a-year. Thus almost the whole of the total increase of the service during that period was in the lowest grade of all. This fact in itself spoke volumes. In 1862 the civilians in the North-West Provinces who had completed eight years' service drew £1,020 a-year; in 1872 they only received £600. In 1862, after 12 years' service, they drew £1,630; in 1872 only £800, or less than half. It was admitted by the Government of India that the remuneration of those persons had fallen below that which it was held out to them they would receive to the extent of one-half, and yet he was told there had been no breach of faith, and that they had made out no case for compensation. If provinces had been cut off from our Indian Empire so that there was a glut of civil servants, he should not be indisposed to say that the civil servants must bear their share in the national calamity; but for the Government of these provinces to select their own friends and relations and connections, and put them into those places which had been solemnly promised to the civil servants, thus reducing the salaries of the latter one-half, and keeping them in a subordinate position, seemed to him contrary to every principle of justice. In Madras when a civilian received £920 a-year in the North-West Provinces he received only £600, and when one in Madras received £1,920 a-year in the North-West Provinces he received only £900. But in the case of Madras there was comparatively no jobbing. He would now call attention to the Petition before the House, because it was necessary that the House should see the complaints which had been brought to the notice of the Government of India, and the answer which the Government had given to them. He would be very glad to submit this Petition to a Committee of the House, but the Government had decided

not to grant one. Here were some of the instances of military and uncovenanted men obtaining appointments in the Civil Service, to the exclusion of covenanted civilians. First there was Major James, a major of a Cavalry regiment, who had never done any civil work in his life. In 1870 Major James was appointed to be the chief civil magistrate of a district. The appointment was believed to have been made against his own wish, because his military appointment was wanted for someone else. Major James was so absolutely ignorant of civil work that he had to be placed for six weeks under another magistrate to learn it, and was then declared qualified to award sentences of seven years' imprisonment, though a civilian had two years' training in England and two years' more in India before he was allowed to award more than six months. At the time Major James was appointed there were covenanted civilians of 10 and 11 years' standing in the same Province in lower grades. The next case was that of Mr. Kiernander. He was an uncovenanted assistant in the Financial Department, and was gazetted in the order of the Government of India, Financial Department, dated the 16th of April, 1875, "to take charge of the office of Accountant General of Punjab." That was one of the offices specially reserved for covenanted civilians by the 24 & 25 *Vict. c. 54, s. 2*, and the Government of India evaded the law by gazetting a man "to be in charge of the office of Accountant General," instead of to be Accountant General, although he drew the full pay and performed all the duties. They had now ceased to appoint young civilians to the Financial Department of the Treasury, and they held a sham competition in India of three or four nominees, who were often rejected candidates for the Civil Service. The third case was that of Mr. Kempsen, Director of Public Instruction, North-West Provinces. Mr. Kempsen went out in 1857 as an under-master in Mr. Madoek's school at Mussoorie; he was a great cricketer and attracted the Lieutenant Governor's attention, who appointed him Inspector of Schools at £1,200 a-year about 1860, and in 1862 Director of Public Instruction, the highest appointment in the Educational Department, and one which had always been held by a civilian up to that time.

The pay was £3,000 a-year, and civilians of the same standing as Mr. Kempsen (15 years) were only receiving an average of £1,200 a-year in the same Province. The right hon. Gentleman also cited similar cases of Mr. R. A. Lloyd, Mr. J. C. Macdonald, Mr. H. W. Gibson, Mr. H. H. Butts, and Mr. P. J. White, as specimens of the kind of thing which was going on in India, and as instances which showed that the men put in by interest not only absorbed the appointments intended for civilians, but got pushed on more rapidly, and drew more pay than their civilian contemporaries who were better trained, and were, therefore, presumably more efficient. A memorial had been laid on the Table of the House on his Motion, together with the Petition of the civilians of the North-West Provinces to the Duke of Argyll, then Secretary of State for India. In that memorial the civilians set forth Lord Dalhousie's rules, confirmed by Lord Halifax in 1864, and re-affirmed by Lord Lawrence in 1867. They also set out the Petition presented by them to the Governor General in 1872. The answer of the Governor General was very remarkable. It was to the effect that any relief he could give to the service by appointments in his gift would be small, while in every appointment the fitness of the individual must be more considered than the claims of the service at large, however urgent they might be. But surely in such appointments as that of Major James the fitness of the individual was not regarded at all. He held in his hand a conclusive proof of the misconduct of the Indian Government, and particularly of the departmental Governments in this matter. It was the answer of the Government of India, dated Simla, 30th of October, 1873, and addressed to the Duke of Argyll, then Secretary of State. In that paper, speaking of the memorial of the civilians of the North-West Provinces, which they were transmitting, they say—"The contention of the memorialists is, in the main, borne out by facts." They introduced the qualifying words "in the main;" but, in reality, these words should have been struck out, because there was not even an attempt to show that these unfortunate young men had in any way exaggerated the treatment to which they had been subjected. The Indian Government went on to say that—



"There was not, in fact, under the North-Western Provinces Government a sufficient number of the higher appointments to furnish reasonable promotion in due course of seniority for the increased number of gentlemen who had been sent out and posted to the Provinces. The pressure was mainly caused by an over supply about the years 1861-63."

No; but it was caused by jobbery. Why were there no appointments for the unfortunate persons who had been brought out to India relying on the pledge that promotion would follow upon length of service? Because the Government of India had taken the appointments away and given them to relatives and friends. This was cruel and unfair treatment, and went beyond what was to be expected from any Government. He had long held high office, and he could say that if a Chancellor of the Exchequer were to do any such thing in England, he could not retain his place for a week. But although these things were done in India, the gentlemen affected by them were as much entitled to justice as if they were here. This House was properly no respecter of persons, and no matter if those men were the poorest in the land it would wish that justice should be done them. He held in his hand a list of the successful candidates who had entered the Indian Civil Service from 1855 to 1863, and they amounted to 414. Of these, 98 came from Oxford, 76 from Cambridge, 70 from Dublin, 38 from the University of London, 28 from the Queen's University, 25 from Edinburgh, 15 from Aberdeen, 3 from Melbourne, 1 from Calcutta, and the rest from various public schools and Colleges. Now, it was surely something rather hard that one should have to plead, not for any extraordinary favour or consideration for those gentlemen, but that justice should be done them. If they could get into a Court of Law it would be awarded to them as a matter of course, and yet they were told by the Government that they could do nothing to remedy an evil so monstrous as this. Then came the last paragraph of the letter of the Indian Government. It was—

"It is true, however, that the promotion of many of the memorialists has been and will be materially delayed, mainly through non-observance in past years of the rules for distributing appointments in the non-regulation Provinces to covenanted civilians."

Here we had got the admission from the

*Mr. Lowe*

Government that it was not from necessity, but merely from a violation of the rules that these men had not obtained the promotion to which they were entitled. Then we had got something about expediency, for the letter went on to say—

"And the condition of the Civil Service is connected with its efficiency quite nearly enough to render this a question of general administrative importance, although it may not be one to which local Governments always look closely and consistently in dispensing their patronage."

Here we had then most complete admission that the rules had been broken, and that it had been done through the misconduct of the local Governments. The only wonderful thing was that when the Government of India made such an admission it did not strike them that if they did not intend to do anything they were very foolish to make it. In 1873 they meant to do something else; they proposed this remedy—

"We intend, therefore, to arrange with the different Administrations a systematic rule of procedure, whereby the preferential claims of civilians shall be brought forward and considered by the Government of India whenever an office falls vacant for which civilians are eligible, and to which no other officer has his superior claim by reason of seniority, local standing, or special qualification."

That was to say, if no excuse could be found for not appointing a civilian, they would appoint one. But nothing had been done since 1873. This proposal was a clear and distinct admission on behalf of the Indian Government that they had broken their own regulations, and had not the least intention of recompensing those whom they had injured. The proof of it was that this was dated the 30th of October, 1873. He had asked the Under Secretary of State what steps had been taken to give effect to this undertaking, and the answer was that he had no information of any steps having been taken. The Secretary of State, in a letter dated the 5th of February, 1874, said—

"I consider that the memorialists have great reason for complaint, and I must desire that the various Governments and Administrations be distinctly informed that I fully approve of the instructions which, as set forth in the fourth paragraph of the despatch under reply, your Excellency in Council proposes to issue; and I must insist that they be carefully acted on in future."

These were the instructions that nobody could be found to attack. This was the



case he had had to lay before the House; and he would ask the Government to put themselves for a moment in the place of those on whose behalf he spoke. He ventured to say that there would be no great difficulty in remedying this matter, although the question of the compensation must resolve itself into a question of money in some form or other, and with the experience which had been gained the Government would do wisely to get rid of the distinction between regulation and non-regulation Provinces, at least as far as the matter of patronage was concerned. The injustice that had been done was this—Promising young men had been tempted into a competition by the hopes of early independence and retirement. They had been tempted to take a step which was irrevocable, for when a man had been many years in India it was too late to retrace his steps. Looking at the matter from a moral point of view, there was no stronger obligation on a Government, when it had offered to young men the inducement of an independent career, than to fulfil to the letter everything it had promised to do. Look at the waste that was involved in the present course of procedure. We took the best young men we could find, who had been trained at an enormous expense; we sent them out to India, and we set them to discharge, under others who had undergone no test whatever, the duties of clerks, which could very well be performed by men who had not been so thoroughly educated at home. The government of 250,000,000 people of India by a few whites of an alien race was a feat such as the world never saw; and how a Government could neglect any opportunity of governing by the best instruments they could employ he could not imagine. The conduct that was complained of must re-act unfavourably on the class from whom these recruits came. After the exposure of to-day, could he expect that the same class of young men would enter into these competitions? Look at the danger this system exposed us to. We drove these young men into despair by keeping them in poverty, in an unhealthy climate, in a country where all who approached them were ready to bribe them; and thus, so far from inculcating loyalty to the Government, we taught them to regard the Government as an

enemy. We took them to India under false pretences, and broke our plighted word in a manner unknown under any other civilized Government. Look also at the cruelty of the thing. In one case a man who had succeeded in the competition went out to India on the faith of these assurances, mainly because he was anxious to marry. He married, children came quickly, and he was one of those to whom this system was applied in all its rigour. Although extremely careful and economical, he was reduced to such poverty that he actually had to petition the Government to grant him a compassionate allowance to enable him to educate his children. He did not say the present Government was, in any way, to blame; the blame rested with former Governments; and he hoped that no false feeling of chivalry for their Predecessors would cause any hesitation on the part of the present Government to abolish, in taking steps to free us from the scandal that neither the Courts of Law, nor the Indian Government, nor the English Government, nor the House of Commons had found a remedy for, so gross and patent an injustice.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "a Select Committee be appointed to inquire and report upon the Memorial of members of Her Majesty's Civil Service in India to the Secretary of State for India in 1873, and on the Correspondence relating to such Memorial now laid before the House,"—(*Mr. Lowe*),—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

LORD GEORGE HAMILTON said, that there was no one whose opinion on a question affecting the Indian Civil Service was more entitled to respect than that of the right hon. Gentleman, who, he was sure, did not bring this question forward with the view of embarrassing the Government, but because he considered it affected the efficiency of a Service whose interests were very dear to him. He had listened with great attention to the representation made, and he would state what were the points on which the Secretary of State could agree with the right hon. Gentleman. There ought to be no infringement of any agreement made with the Cove-

nanted Civil Servants of India, and even if the Governor General or the Secretary of State wished to make an inroad on their rights they could not do it, because they were defined by Act of Parliament. No encouragement had been given, or would be given, by the India Office to those who went out to India on speculation, on the mere chance of obtaining occupation; but no doubt from time to time officers were appointed by the Secretary of State who did not belong to the Civil Service of India—such as officers who performed duties for the Public Works and Education Departments. It had always been understood by Parliament, and certainly by the Indian Civil Service, that there were certain classes of appointments to which the members of that service were not absolutely entitled. The complaint now made was a complaint against the local Governments, and not against the Supreme Government. The patronage of the Indian Government in the non-regulation Provinces was very small; and the present charges were almost exclusively directed against the Lieutenant Governors of the North-West Provinces and of the Punjab. The right hon. Gentleman spoke at length of a “breach of faith;” but he was rather astonished to find that breach of faith contained in two Acts of Parliament of the dates of 1861 and 1870, and it seemed to be a dangerous thing for any Member, more particularly for an ex-Chancellor of the Exchequer, to lay down positively that an Act passed 14 years ago, and that not a retrospective one, involved a breach of faith. The Act laid down clearly and distinctly what were to be the rights of Indian civil servants. The right hon. Gentleman read certain extracts containing a strong condemnation of what he thought was the Act passed in 1861; but it was not the Act of 1861. Sir Charles Wood made a draft of a Bill in 1860; there was no doubt that in that draft he proposed to curtail the rights of Indian civil servants. There was great opposition to that draft Bill, which was therefore altered, and the Bill of 1861 differed so materially from that submitted by Sir Charles Wood to the Council of India in 1860 that two of the dissentients then said—“Our dissents do not apply to the Bill now before Parliament, which contains provisions which reconcile us to the measure.” The con-

troversy, therefore, was supposed to have been terminated by the Act of 1861; and if the right hon. Gentleman objected to the Act it was quite open to him to bring in a Bill to repeal it; but so long as it existed it was not in the power of the Governor General or the Secretary of State to disregard its provisions. The right hon. Gentleman accused the Government of a breach of faith because they had not complied with the inducements offered in what might be called the “prospectus” of the Civil Service Commissioners. But nothing was said in their Report of 1859 about the intervals which must usually elapse between successive promotions. No promotion was guaranteed by them, nor could it be. Even the right hon. Gentleman himself could hardly lay down the principle on which promotion proceeded—whether by seniority or selection. Mr. Mangles, one of the Council, had, in a Minute written against the proposals of Sir Charles Wood, fallen into the error of assuming that promotion was guaranteed to Indian civil servants by the Civil Service Commissioners in 1859. In the Memorial, quoted from by the right hon. Gentleman, that part of Mr. Mangles’s Minute which was incorrect had been inserted as if it were part of the Report of the Civil Service Commission. Anyone reading that Memorial would at once assume that certain promises, as regarded promotion, made in specific language by the Civil Service Commission, had been disregarded by the Indian Government. No promises were made, and Mr. Mangles was wrong in asserting that they had been made. By engraving Mr. Mangles’s error in their recent Memorial in such a way as to make his words appear to be those of the Civil Service Commissioners, the memorialists had misled the right hon. Gentleman.

MR. LOWE said, he did not maintain that promotion was guaranteed. All he said was that the Government guaranteed these civil servants against the result of the acts of the Government itself.

LORD GEORGE HAMILTON said, the only specific instance of breach of faith cited by the right hon. Gentleman was in the North-West Provinces. Now, he could not deny that the Indian Government admitted that the contention of those memorialists was, in the main, borne out. They said that the promo-

for the right hon. Gentleman to denounce, in strong language, this breach of faith when such concessions had been made by the Indian Government. It was admitted that the Bengal civil servants, who could not complain of any breach of faith, were in quite as hopeless a state respecting promotion as the civil servants of the North-Western Provinces. Was their case to be considered? Was that of the Madras civil servants to be considered? A precedent of a most dangerous character was set by such a Motion. The Indian Civil Service was, perhaps, the strongest and best employed by any Government in the world, and its members were quite able to take care of themselves through their friends in Parliament. Upon what principle was compensation to be given if this demand were granted? If promotion depended on selection, how could you prove that a man was entitled to compensation owing to a want of promotion? The right hon. Gentleman said the Indian Civil Service was the grandest administrative machine in the world. This statement was quite true, and why? Because every individual engaged in this service knew that after his first appointment his promotion would depend upon merit. If the House once interfered with the power of selection by local Governors, how could they be held responsible for the maintenance of order in their respective Provinces? Was the right hon. Gentleman of opinion that successive Lieutenant Governors had been guilty of jobbery? Then he should move a vote of censure upon them. It might be possible that here and there Lieutenant Governors had not always discreetly exercised their power of selection. But he hoped that the House would not, on account of some few unwise appointments, lay down hard-and-fast rules which would prevent Lieutenant Governors from exercising the most salutary right of choosing those who were to serve under them. The right hon. Gentleman complained of the appointment of so many military officers. It must be remembered that some of our ablest administrators and political officers—Sir James Outram, Sir Henry Lawrence, Sir Henry Durand, Sir Thomas Munro, and Sir Henry Edwards—had served in the Army. He trusted that the House would seriously consider the objections to the proposal of the right

hon. Gentleman the Member for the University of London before assenting to it. The subject was under the consideration of the Indian Government, and he believed the reason of the delay which had occurred was, not because they did not want to consider the question at all, but because it was a question of great difficulty. He did not see how the subject could be satisfactorily dealt with by a Committee. Who were to be placed upon such a Committee? What information was to be given to it? Who was to supply this information? Were the Lieutenant Governors to be called home to give evidence? And if no representatives of the local Government appeared before the Committee, the inquiry would be a one-sided one. In the earlier part of the Session the right hon. Gentleman had been satirical on the Government for endeavouring to carry on the Business of the country by Select Committees; but if there was one question more than another over which the Government ought to have absolute control it was surely that which related to the appointment of those whose services it employed. If it could be shown that the Indian Government had disregarded the Petitions which had been addressed to them, and had not endeavoured to redress the grievances complained of, there might be some reason for appointing a Committee. But while the Indian Government had refused to grant pecuniary compensation, they had made great concessions; and it would be a strong measure to take the inquiry out of their hands upon what he might, without offence, call the *ad captandum* appeal of the right hon. Gentleman.

SIR GEORGE CAMPBELL said, he was one of the Lieutenant Governors who were in some measure incriminated by the right hon. Gentleman (Mr. Lowe). He therefore wished to say that during his administration of Bengal he attempted to follow very much the lines indicated by the right hon. Gentleman, by placing the civil servants in the appointments to which reference was made. The consequence was that he had been enormously abused. He was attacked at the bar of the Government of India, and he had some difficulty in defending himself. He was inclined to think, on the one hand, that the right hon. Gentleman had gone somewhat too far and made out too strong a case; while, on



non-regulation Provinces. Therefore, the right hon. Gentleman could not on their behalf urge the same argument as he had on behalf of the covenanted servants of the North-Western Provinces. If the right hon. Gentleman looked at the memorial he would find it stated that many of the junior civilians in the Province of Bengal were in the same hopeless position as those in the North-West Provinces. Therefore, it was perfectly clear that what was complained of was not the result of ignoring regulations, nor the consequence of any breach of faith.

[The House was here summoned by Black Rod to attend in the House of Lords: on their return—]

LORD GEORGE HAMILTON continued: When interrupted he was calling attention to the fact that Indian civil servants had no rights guaranteed in the non-regulation Provinces; their rights were strictly defined by Act of Parliament. There could be no question that the civil servants of the North-West Provinces did occupy an exceptional position as regarded the non-regulation Provinces, inasmuch as a regulation was made as to the proportion in which appointments in non-regulation Provinces were to be held by covenanted servants of the North-West Provinces. There was no question that the candidates for appointments in the North-West Provinces had assumed that half the appointments in the non-regulation Provinces would be held by civil servants. Admitting that fact, which had been already admitted by the Government of India, he was not prepared to accept the suggestion of the right hon. Gentleman that a Committee should be appointed to inquire into this matter. The question had been before the Government of India for nearly five years; they had made great concessions to the covenanted service; they had altered the rules relating to leave and to furlough; they had made every concession except that of giving compensation; and the proposal of the memorialists amounted to a request for pecuniary compensation. If, therefore, the appointment of a Committee was granted, the only question the Committee would consider would be what amount of compensation was to be given to the civil servants who complained; and compensation could be given in two ways, either

by increasing the pay of their present appointments, or by making fresh appointments, conferring upon their holders higher pay. Either scheme would be equally objectionable both as a precedent and as throwing fresh charges upon the revenues of India. Soon after he accepted his present office he was told in that House by one of more experience that nine out of ten of the Motions on Indian matters were made solely with the object of squeezing something out of the Indian Government. If, however, an ex-Chancellor of the Exchequer attacked the Indian revenues in this House, he feared that he should have no chance whatever of successfully defending these revenues. The right hon. Gentleman said there had been a breach of faith towards these civil servants. Suppose his assertion were put to this test, and the Committee were granted upon condition that all the concessions made to them in respect of pensions and furloughs were given up in return for the increase of pay now asked for. He felt sure that the civil servants who now put forward this grievance would not agree to such a condition. Two years ago the Indian Government had made an immense concession in the matter of pensions, the result being to impose an additional charge of £70,000 a-year upon the revenues of India, and to give a civil servant who had served 25 years, including four years' furlough, a pension of £1,000 quite irrespective of the amount of his yearly contribution towards buying the annuity. This concession was peculiarly applicable to the present complainants. Slow promotion, under the old pension rules, affected a civil servant in two different ways—his annual salary was less, and, as a necessary consequence, his pension was less, inasmuch as his pension materially depended upon the 4 per cent annual deductions made from his salary. Now, however, anyone could retire upon the highest pension irrespective of the amount of his contributions towards purchasing his pension. Any loss these gentlemen had sustained in consequence of a want of promotion might be debited against the advantage they would gain under the new pension rules, and if that were done he believed the Indian Exchequer would be found not the better, but the worse for the change. At all events, it was hardly fair

*Lord George Hamilton*

for the right hon. Gentleman to denounce, in strong language, this breach of faith when such concessions had been made by the Indian Government. It was admitted that the Bengal civil servants, who could not complain of any breach of faith, were in quite as hopeless a state respecting promotion as the civil servants of the North-Western Provinces. Was their case to be considered? Was that of the Madras civil servants to be considered? A precedent of a most dangerous character was set by such a Motion. The Indian Civil Service was, perhaps, the strongest and best employed by any Government in the world, and its members were quite able to take care of themselves through their friends in Parliament. Upon what principle was compensation to be given if this demand were granted? If promotion depended on selection, how could you prove that a man was entitled to compensation owing to a want of promotion? The right hon. Gentleman said the Indian Civil Service was the grandest administrative machine in the world. This statement was quite true, and why? Because every individual engaged in this service knew that after his first appointment his promotion would depend upon merit. If the House once interfered with the power of selection by local Governors, how could they be held responsible for the maintenance of order in their respective Provinces? Was the right hon. Gentleman of opinion that successive Lieutenant Governors had been guilty of jobbery? Then he should move a vote of censure upon them. It might be possible that here and there Lieutenant Governors had not always discreetly exercised their power of selection. But he hoped that the House would not, on account of some few unwise appointments, lay down hard-and-fast rules which would prevent Lieutenant Governors from exercising the most salutary right of choosing those who were to serve under them. The right hon. Gentleman complained of the appointment of so many military officers. It must be remembered that some of our ablest administrators and political officers—Sir James Outram, Sir Henry Lawrence, Sir Henry Durand, Sir Thomas Munro, and Sir Henry Edwardes—had served in the Army. He trusted that the House would seriously consider the objections to the proposal of the right

hon. Gentleman the Member for the University of London before assenting to it. The subject was under the consideration of the Indian Government, and he believed the reason of the delay which had occurred was, not because they did not want to consider the question at all, but because it was a question of great difficulty. He did not see how the subject could be satisfactorily dealt with by a Committee. Who were to be placed upon such a Committee? What information was to be given to it? Who was to supply this information? Were the Lieutenant Governors to be called home to give evidence? And if no representatives of the local Government appeared before the Committee, the inquiry would be a one-sided one. In the earlier part of the Session the right hon. Gentleman had been satirical on the Government for endeavouring to carry on the Business of the country by Select Committees; but if there was one question more than another over which the Government ought to have absolute control it was surely that which related to the appointment of those whose services it employed. If it could be shown that the Indian Government had disregarded the Petitions which had been addressed to them, and had not endeavoured to redress the grievances complained of, there might be some reason for appointing a Committee. But while the Indian Government had refused to grant pecuniary compensation, they had made great concessions; and it would be a strong measure to take the inquiry out of their hands upon what he might, without offence, call the *ad captandum* appeal of the right hon. Gentleman.

SIR GEORGE CAMPBELL said, he was one of the Lieutenant Governors who were in some measure incriminated by the right hon. Gentleman (Mr. Lowe). He therefore wished to say that during his administration of Bengal he attempted to follow very much the lines indicated by the right hon. Gentleman, by placing the civil servants in the appointments to which reference was made. The consequence was that he had been enormously abused. He was attacked at the bar of the Government of India, and he had some difficulty in defending himself. He was inclined to think, on the one hand, that the right hon. Gentleman had gone somewhat too far and made out too strong a case; while, on



the other hand, his impression was that the noble Lord who represented the India Office had made too complete a defence. He had proved too much. He altogether denied that the fault, if fault there was, lay exclusively with the local Governments, as a very large proportion of the patronage in respect of the appointments in question was exercised by the Government of India and the Viceroy. He thought the Government of India was bound to see that this patronage was exercised in accordance with the principle of the Acts which Parliament had passed upon the subject; but it was too late now to go back to consider the propriety of those Acts. With regard to the information furnished to the Civil Service Commission in 1859, there was no just ground of complaint. It was a plain statement of facts. In consequence of the Mutiny promotion was abnormally high. The civil servants in India were bound to examine the facts for themselves, and the Government were not bound to make compensation. The grievances of the civil servants, in general, were not particularly great; but he thought the case of the civil servants in the North-West Provinces had been made out. Although the promise held out by Lord Dalhousie did not amount to a regular legal guarantee, but only to a promise made in the most formal way that could be adopted—a statement published in *The Gazette*—they were justified in believing that the Government would follow the course indicated, and substantial grievances had been inflicted upon them, inasmuch as that course had not been followed. Now with regard to the remedy, he thought it ought not to take the shape of compensation at the expense of the taxpayers of India. The matter should be adjusted in some other way. A very broad question was involved. One half of our dominions in India were free from the regulations in question as to patronage. With regard to the older dominions a new class of appointments had been created which did not come within the rules laid down. This was a serious matter, which ought to be taken into consideration by the House, and might properly be made the subject of inquiry at some future time, for it was impossible to institute such an inquiry at this late period of the Session.

*Sir George Campbell*

The practical grievance of the North-West Provinces was quite as true, real, and great as it had been depicted by the right hon. Gentleman, and, no doubt, a good deal of jobbery had been mixed up with it. He believed the right hon. Gentleman was perfectly right in all the cases he had mentioned. But with regard to the mass of appointments in the Punjab and Oude, they had not arisen entirely from jobbery, but were rather the result of the muddle which occurred on the abolition of the Army in India; and he believed that by a little foresight and care the enormous burden which had been thrown on the taxpayers might have been avoided. A large number of officers were thrown on their hands, and it was necessary for the Government of India by hook or by crook to provide for them. A large number were provided for in civil employ in the Punjab and the North-West Provinces. Great bounties in the shape of deferred annuities were held out to them by way of compensation for their grievances, provided they served long periods. The effect of that system was that the military officers being in civil employ did not retire, they blocked the service, and it became extremely difficult to give the civilians the promotion which had been promised them. They naturally resisted the intrusion of new civilians, and the Government had not the courage to deal with the question. He hoped the grievance would be redressed without making another draft on the Indian taxpayer. A new arrangement had been made to promote the retirement of the senior military officers, and he thought the opportunity should be taken to put civilians into their places, and so do justice to them. But very stringent orders would be required. He confessed he had perpetrated a few jobs, but considering the pressure put upon him it was a wonder he did not commit a great many more. He was unable to say that anything had yet been done which would have a real and practical effect. He supported the view of the right hon. Gentleman that a Committee should be appointed to inquire into the matter. He did not think the broad question could be dealt with this Session; but the practical grievance of the civil servants in the North-West Provinces might be so dealt with. The India Office was not strong enough to



deal with questions of this kind. The Secretary of State himself was not strong enough to put a sufficient pressure on the Government of India and the local Governments with regard to these personal questions. In the India Office there was a disposition to treat them with a tender hand. He was not sure that a Select Committee would have all the information open to officials in India, but sufficient means of information existed in this country to warrant an inquiry into this matter, and what should be done was not necessarily to give pecuniary compensation, but that the House might know really how the matter stood, and how justice might be done at the least expense to those officers who had really suffered grievous wrongs. He should support the Motion of the right hon. Gentleman.

MR. GIBSON said, he wished to make a very few remarks on this question. He thought that there was a decided grievance, as well as a very clearly-defined remedy. He believed that the discussion which had taken place on the subject would be beneficial to the Indian Civil Service, inasmuch as public attention had thereby been called to the matter, and civil servants in India had been shown that their interests were not lost sight of in the Imperial Parliament. The noble Lord had referred to the Act of 1861, and he seemed to think that was an answer to the claim. He did not think so. The Preamble of that Act pointed out clearly and specifically that it was in consequence of the exigencies of the public service that unqualified persons had been appointed, and it was passed to ratify those appointments, and to enable the Government of India to make similar appointments if the exigencies of the public service should render it necessary. The 5th clause was purely permissive. Although that Act passed in 1861, the Secretary of State for India in 1864 went back again to the old statement, and confirmed the rule of Lord Dalhousie in plain and precise terms. Lord Lawrence, in September, 1864, in equally plain and precise terms, showed that he considered the Act of 1861 had made no difference, and should make no difference, in the distribution of patronage. He thought, then, that the broad proposition should be accepted by the House, that the Indian civil servants had entered

into a most difficult and responsible service upon an understanding which had been distinctly held out to them by the nation, and the question was, had that undertaking on the part of successive Administrations been acted upon or broken? Indian civil servants in the North-West were receiving about one-half the pay they were receiving in 1862. In Madras and Bombay the salaries averaged £1,100 per annum, and in the North-West £673. The case was put with singular clearness in a letter from "A Competitive Wallah," which appeared in *The Times*, and the figures embodied in that letter fully established the grievance complained of. The grievance being proved and admitted, it was the duty of the Government to find a remedy, the proposition of 1873, already quoted, being no remedy at all. It was no satisfaction to men who had families to maintain and educate to talk to them of pensions in 10 or 15 years. He did not, however, believe that a Committee, as proposed, to inquire into the matter would do much good; in fact, he was of opinion that the discussion which had taken place would do all that was necessary.

THE CHANCELLOR OF THE EXCHEQUER said, that he had always, in dealing with Indian matters, felt that a most difficult problem of statesmanship was the degree in which this House ought to interfere with Indian administration. On the one hand, they ought to be very careful not to embarrass themselves or the Indian Administration by interfering too much or too hastily in matters of a very delicate and special character; and, on the other hand, they had assumed a responsibility which forbade them to leave all these questions of Indian administration to be dealt with, as perhaps they were in the days of the old Company's rule, entirely by Indian authority, and subject to Indian opinion only. Ever since Her Majesty had taken upon herself the responsibility of the direct administration of affairs in India, that House had had thrown upon it the responsibility of expressing its opinion clearly and distinctly upon questions affecting that administration where it was capable of doing so. He therefore rejoiced in debates of this character on subjects as to which Indian opinion required to be fortified by the expression of English opinion. The hon. Member

for Kirkcaldy (Sir George Campbell) had said he found himself subjected to great pressure and exposed to unpopularity on this question, and it was a good thing that those who were so placed should be supported by opinion in England. Because the Secretary of State and the English Government abstained from interfering in questions of patronage in India, and as the English administration had purged itself from the suspicion of jobbery, it was the duty of England to support those in India who were endeavouring to administer its affairs on principles we had adopted. He would remind the House of the cogent arguments against referring this matter to a Committee. He very much doubted whether a Committee could conduct an inquiry which would lead to a satisfactory result, and he could not help fearing such an inquiry would lead to disadvantageous results. It was very questionable whether it was wise or proper to take off any portion of the responsibility which in a matter of this sort must rest with the Government of India itself. We could not undertake to govern India from England; and in these questions of promotions and appointments there were two things to be considered. There was not only the duty they owed to those they had sent out in their service, and their obligation to treat them fairly, but there was also the important duty they owed to those whom they governed, that they should appoint proper persons to the discharge of important duties. It would be an unfortunate thing if the Government of India were to say they felt themselves hampered by the action of some Committee of the House of Commons, which was really not able to examine and study the details of the subject. That applied more particularly to some of the newer non-regulation Provinces, in which from time to time it had been necessary to employ persons with very peculiar qualifications, such as distinguished officers who had been employed in the Punjab and elsewhere. Another objection to pressing the Motion to a division was that by being compelled to resist it the Government would be made to appear as if they gave their sanction to the conduct of the Government of India to an extent which they were not prepared to do. Her Majesty's Government admitted the justice of a great deal which had

been said by the right hon. Gentleman, but the matter required much further consideration. He admitted that the Minute of the Government of India pointed to an inadequate remedy and that pressure must be put upon the Government of India to take stronger measures than they had taken to redress these grievances. The discussion and the manifestation of the feeling which pervaded the House were more likely to do good and to bring about a proper settlement than would probably follow a reference to a Select Committee. He hoped the right hon. Gentleman, who had made so very eloquent and taking a speech, would feel that he had done more to advance his cause by eliciting information than he would do if he were to press to a division his Motion for a Committee.

MR. GRANT DUFF said, there could be no doubt that the civilians in the North-West Provinces had sustained considerable hardship, and the House evidently were of opinion that it was the duty of the Government of India to see, that in one way or another, this hardship should be remedied. At the same time, he agreed with the noble Lord that the best method of devising a remedy would not be through a Select Committee. It was very desirable that this House should, from time to time, entertain Indian questions, and that the Indian Government and Indian authorities should see reflected through this House how English opinion was affected by what was done out there. He did not think, however, that good would come from any interference by this House in the minutest details of Indian Government. The hon. Gentleman (Sir George Campbell), who as Lieutenant Governor of Bengal ruled over 66,000,000 of people, had spoken of the necessity of providing for those officers whose prospects were damaged by the amalgamation of the two Armies, and he could not help remembering that the worst part of the muddle which had then occurred arose from a vote taken in a very thin House under the administration of Sir Charles Wood. His right hon. Friend (Mr. Lowe) might be well satisfied to leave the case where it now stood without dividing. The responsibility rested chiefly with the local Governments of India; and he thought that after to-day's debate both the local and

the central Governments would see that, in the opinion of the House of Commons, an evil existed, and that they would be stimulated to provide a real remedy.

CAPTAIN NOLAN said, that the discussion had been exclusively confined to Members above the Gangway, and he thought it would be well if some other Members stated their opinions on the subject. He looked at this as a popular as well as an Indian question. Were men who entered the public service on the competitive system to be cast aside in favour of those appointed through patronage? If the competitive principle were struck at in this branch of the public service, it would be struck at in every branch. The case of the Staff College at home was exactly in point. The Queen's Regulations had been altered in favour of those who had not passed through the College, and something of the same kind had happened in India. Men who failed to pass the Civil Service examination went out as secretaries and officers, and obtained civil appointments through the private influence they possessed, thus retarding the promotion of the men who had passed this examination. He hoped that the Select Committee would be granted, and that the right hon. Gentleman would persist in forcing his Motion to a division.

LORD ELCHO said, he had been requested by gentlemen interested in Scotch education to say a few words upon the able and powerful indictment submitted by the right hon. Gentleman (Mr. Lowe). The University authorities in Scotland felt that young men came there on the faith of statements made by the Indian Government as to the career which was open to them, and it was manifestly unjust that those statements should not be borne out and that the promised career should be in a great degree shut. His noble Friend (Lord George Hamilton) had endeavoured to defend the apparent injustice by showing that compensating advantages had been given to these civil servants in the shape of pensions and otherwise. The argument, however, that an injustice was to be redressed in this way was not a sound one, and similar reasons were at once rejected by the Committee which inquired into the Bonus question. He would recommend the right hon. Gentleman to withdraw the Motion, and to be

satisfied, as he well might, with the result of the debate.

MR. BUTT said, the grievance complained of was one by which the civil servants in the North-Western Provinces were placed in a much worse position than those in any other part of India, in defiance of the declaration made by Lord Dalhousie that appointments were to be given in certain specific proportions between the civil servants generally. Besides, a young man who 10 or 12 years ago, having been at the head of his class, and having been, in consequence, allowed to choose the part of India in which he would like to serve, selected the North-Western Provinces as most desirable, now found that if he had been last in his class he would have been sent to Madras and Bombay, and instead of £800 or £900 would have something like £2,000 a-year. This was a special grievance and required a special remedy.

MR. LOWE said, that considering no one but the noble Lord had risen in defence of the proceeding which he had censured, and considering also the lateness of the Session, he thought he should best consult the interests of those for whom he appeared on that occasion if he did not press his Amendment.

Amendment, by leave, *withdrawn*.

#### POST OFFICE SAVINGS BANKS — LIFE INSURANCES AND ANNUITIES.

##### OBSERVATIONS.

MR. SALT drew attention to the Act which had been passed in 1864 to empower the Post Office authorities to carry into effect a system of small insurances or annuities, showing that under it a system of deferred annuities were established, than which there could be no better means provided for enabling a man who lived by his daily labour to save money. Under that system a person could buy a small deferred annuity, the money paid in being returnable at option or at death, if before the commencement of the annuity. This was in effect a Savings Bank and a provision for old age or illness, with the advantage of convenience and of perfect security. He had watched the operation of the Act with great interest, and he had been struck by the fact that so very little use had been made of the very



convenient mode of making investments which it furnished. He hoped that some consideration would be given to the question, whether greater opportunities might not be taken for rendering the system more popular? Since 1864 there had been very few applications altogether for the three classes of business—immediate annuities, deferred annuities, and life insurance. At present the number of immediate annuities in existence was about 4,000; of deferred annuities, by far the most valuable and important class, only about 300; while of life insurances about 3,600 were issued and in operation. That was a very small result after the system had been in work eight years, and considering that about 4,000 post offices were established as Savings Bank offices. Why had not the system been more successful? He thought the tables were too cumbrous for the intelligence of an ordinary man, who got his living by his daily labour. He would suggest that much simpler tables might be prepared, equally accurate with those now existing but taking periods of ten or five years. Such tables might be easily prepared. There was another point to which he would advert. The knowledge of this system was not well brought home to those most concerned, and he would suggest, if there were not insuperable objections, whether the Post Office agents and messengers themselves might not be employed in this matter. By such an agency he thought the Act might be made much more effectual.

LORD JOHN MANNERS said, that about three weeks ago the Chancellor of the Exchequer informed the House that he intended during the Recess to give his attention to this subject. This was also his (Lord John Manners's) intention; and they hoped to be able to remove by legislation next year some of the defects that existed in connection with savings banks and the granting of annuities, and also to afford increased facilities in reference to these valuable national institutions. The matter was eminently worthy of the attention of the Government, and he would take care that the suggestions of his hon. Friend should receive the consideration to which they were so well entitled.

#### ARMY—THE ARMY RESERVE—THE AUTUMN MANŒUVRES.—QUESTIONS. OBSERVATIONS.

LORD ELCHO, before putting the Questions of which he had given Notice, said, that an important statement had been made by the Commander-in-Chief at a dinner at the Mansion House on the 12th of June. His Royal Highness said—

“ We hear a great deal about reserves, and no doubt that is a great point to be attained; but I would like to see the reserves before me. I am told—in fact I know from the position I occupy, that we have a great many reserves on paper. But I should like to see them before me; I should like to see our reserves brought out with the regiments, so that we may see whether they exist and are efficient.”

He (Lord Elcho) had heard that only 20 men of the Army Reserve had answered the invitation out of 7,000 men to whom it had been addressed. With regard to the second Question, the Autumn Manœuvres had already begun, and it was therefore out of date; but the Secretary of State might act upon it next year. It would conduce very much to accurate information as to the state of the 19,000 men at Aldershot if the House could have brigade states daily, because they gave information which could not be derived from field states. It was important to know what number of men started, and to know how many were incapable from various causes of going on with the Manœuvres, so that the House might judge of the physical efficiency of these men. The noble Lord concluded by asking the Secretary of State for War, Whether an invitation has been addressed to the men of the Army Reserve to attend the coming Manœuvres; whether in reply to this invitation very few acceptances have been received; whether the War Office purposes taking any steps to ensure the attendance of the Reserve men at the manœuvres, and thus enable His Royal Highness the Field Marshal Commanding in Chief “ to see whether the Reserves exist and are efficient;” and, whether the coming manœuvres will be so conducted as regards the equipment and marching of the troops as to test the physical fitness of the men to endure the ordinary fatigues of active service?

COLONEL MURE said, that a state which had been issued the other day of troops engaged in the Autumn Manœuvres did not give the information

which was sought. It showed the number of the men which the regiments were deficient from medical causes, but not the deficiency which occurred in consequence of the men being too young to enter upon the Manœuvres. In the Army Medical Report last issued, readers were distinctly warned not to be guided in forming an opinion as to the physical qualities of the troops employed in the Autumn Manœuvres by statistics of the health of those present, which were undoubtedly satisfactory, because the troops engaged were "picked and healthy men." These were the very words used and were very significant. In the case of regiments returned from foreign service, some of them were tolerably strong; but where the regiment was largely composed of young and weak men the elimination was so great that those who remained might be said to represent a picked body of men. He hoped that the brigade states would be supplied, and that next year they would furnish full information both as to the troops with the colours and also as to the state of the Army Reserves.

MR. GATHORNE HARDY said, he would not enter upon a discussion, but would confine himself to answering the Questions of the noble Lord. In the first place, invitations had not been addressed to the men of the Army Reserve generally, but had been addressed to three districts only. No doubt, very few had responded; but it was not correct to say that only 20 out of 7,000 had responded. The number who had responded was 114; but he could not state the exact number of the reserved men in those districts. From the answers to this invitation it appeared that many of them were in good employment and in receipt of good wages. They did not wish to attend the Autumn Manœuvres; but they were perfectly ready to respond if called out for the 12 days' training to which they were liable. He was not aware that the Field-Marshal Commanding-in-Chief wished to find these men at the Autumn Manœuvres or at the summer drills; but he desired to know that they existed and would come forward at the proper time. He was equally anxious that the existence of these men should be ascertained. As to their efficiency there could be no doubt. It had been established to the full extent because they had been so long in the Re-

gular Army. Whether, however, they should be brought away from their employment to take part in the operations of the Regular Army in the Autumn Manœuvres was a matter for consideration. As for the efficiency of the Manœuvres in testing physical fitness, the hon. and gallant Colonel opposite (Sir Henry Havelock) would no doubt have observed yesterday that the men were in full marching order, and he might state that to-day one of the Divisions was to march in the same order a distance of 17 or 18 miles to their encampment. When so much complaint was made about the young soldiers the noble Lord must not be too sure that it was the young soldiers who always fell out, because it was often the old soldiers who had seen considerable service. Sir Thomas Steele assured him yesterday that the young soldiers were very efficient indeed, and that they seemed to be fit for very heavy duty; and he animadverted rather strongly on the attempts which had been made to throw discredit on them. With respect to the strength of the regiments, there was a field state showing the full strength of the regiments yesterday and the number absent from them, and it would be perfectly easy to lay that statement before the House. But it was not simply by figures that a fair decision in such matters could be arrived at. It was necessary to have some amount of detail as to the causes of the men's absence. Without such data it was unfair to assume that men who might be absent from their regiments were young men unfit for duty. They must remember that men reported as unfit for duty might not actually be so. On one occasion, when a considerable number of men in a particular regiment were stated to be unfit for duty, it was discovered that a large proportion of them were fit for duty, and that of the remainder the majority were older men.

LORD ELCHO: Do not the brigade states give the necessary information?

MR. GATHORNE HARDY: To a certain extent, but not in full detail; but he would see what could be done.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.



## SUPPLY—CIVIL SERVICE ESTIMATES.

## CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS.

SUPPLY—considered in Committee.

(In the Committee.)

(1.) £360,993, to complete the sum for Stationery and Printing.

SIR WALTER BARTELOT suggested that each Department should state on its own account the amount of stationery it required, so that the House might see whether the money was fairly and properly spent.

GENERAL SIR GEORGE BALFOUR agreed that further information on the subject of the Vote was necessary. He wished to call attention to the inquiry over which the hon. Member for Hackney presided, in order to ascertain how far the recommendations of the Committee had been acted on. There was one suggestion which ought to be carried out, and that was a return to the old practice of keeping an account of the expenditure for stationery by each Department of the Government. It was not only the best, but, indeed, the sole mode, of exercising some influence on an expenditure which the superintendent of the Department was powerless to control. By means of comparative statements of several years, the progress of this outlay could be seen, and influence brought to bear against its progress.

MR. JOHN HOLMS said, he hoped to hear how far the Treasury had endeavoured to give effect to the recommendations of the Committee appointed to inquire as to the purchase and sale of stores in our public Departments. It was recommended by the Committee that there should be better regulations as to taking stock, and that the expenditure of each Department for stationery should be ascertained. Another recommendation of the Committee was that the statutes of the realm should be printed and published by the Stationery Department in a cheap form.

MR. W. H. SMITH stated that there had not yet been sufficient time to carry the recommendations of the Committee into effect, but he hoped the House would have the required information at its disposal next year. There had not as yet been any formal meeting of the officers engaged in the purchase of stores as suggested by the Committee; but a very able Memorandum, prepared by

Mr. Rowsell, of the Admiralty, had been issued, which would go some way towards meeting the requirements of the case. As hon. Members knew, it was impossible to impose a new duty on any Department without being called upon to provide a fresh staff; but he could assure the House that the objects which the Committee had in view were not being lost sight of. The reprinting of the statutes in a cheap form, as recommended by the Committee, was being proceeded with, and he hoped they would be issued at something less than 5s.

MR. BUTT called attention to the fact that the Imperial notices were not published in *The Dublin Gazette*, and suggested that it should be done in future.

MR. W. H. SMITH said, he was not conversant with the principles on which *The Dublin Gazette* was published, but he would make inquiries on the point.

MR. M'LAREN said, the cost of *The Edinburgh Gazette* was £213 14s. only, and the profit £2,632, and asked if the prices of the advertisements could not be reduced to the public?

MR. DILLWYN called attention to the item of £200 remuneration to two Army and two Navy officials for preparing the Army and Navy Lists, and asked why the amounts were not carried to the Army and Navy Estimates?

MR. MACDONALD asked if this was an additional sum to their ordinary salaries?

MR. W. H. SMITH said, it was placed in the Estimate because the profits of the two lists went to the Stationery Department. This was an additional payment.

Vote agreed to.

(2.) £18,914 to complete the sum for the Woods, Forests, &c. Office.

MR. MELLOR called attention to the recent purchase of two houses in the City, and on their being leased on the following day to the sellers for 85 years at a rental of about 4 per cent on the purchase money.

THE CHANCELLOR OF THE EXCHEQUER said, his attention had not been called to it, but he would see to it.

Vote agreed to.

(3.) £33,490, to complete the sum for Works and Public Buildings Office.

MR. DILLWYN wished for some explanation with regard to the Surveyor of Public Works. That gentleman was paid partly by salary and partly by commission, and he thought such a system



highly objectionable. He should like to know what the Surveyor was actually paid, and whether it was not possible that his whole time might be devoted to the public service instead of being allowed to take private practice?

MR. W. H. SMITH said, the present Government were not in any way responsible for the arrangements made with the Surveyor of Works. That gentleman was very well known in the public service, and he (Mr. W. H. Smith) believed the late Government placed the greatest confidence in him. He believed the Surveyor of Works had rendered very great assistance to every Chancellor of the Exchequer and every Prime Minister who had consulted him upon matters affecting the public interests as far as works and buildings were concerned. The present arrangement was made in 1869 by the Government of that day, after careful inquiry. The Surveyor of Works received a salary of £750, and a commission upon purchases or arrangements which he might effect on behalf of the Government of the day, which brought up the salary to the average amount of former times. His hon. Friend the Member for Swansea had given Notice of a Motion on the subject for Friday, and he (Mr. W. H. Smith) would then be prepared, if his hon. Friend wished it, to state exactly what was the amount which had been paid to the Surveyor of Works by the Government.

THE CHANCELLOR OF THE EXCHEQUER said, a gentleman in large private practice was able to give a great deal of valuable information to the Government with regard to property to be purchased.

GENERAL SIR GEORGE BALFOUR asked that the Papers relative to the arrangement entered into in 1869 should be laid before the House.

MR. DODDS asked the rate of commission paid.

MR. W. H. SMITH said, he was unable to say; but he would have a statement prepared showing the commission, and lay it on the Table of the House.

An hon. MEMBER asked for an explanation respecting the charge for repairs at Broadmoor.

MR. W. H. SMITH said, the Board of Works was responsible for those repairs being properly charged.

MR. MITCHELL HENRY urged that the charge for repairs ought to be in-

cluded in the Vote for Broadmoor, so that the House could see what was the whole of the expenditure for Broadmoor, or at any rate there ought to be a marginal note stating the sums taken in previous Votes of the same year.

Vote agreed to.

House resumed.

Resolutions to be reported *To-morrow*; Committee to sit again *To-morrow*.

#### ARMY AND NAVY EXPENDITURE (AUDIT).—RESOLUTION.

MR. JOHN HOLMS rose to move—

"That in the opinion of this House, in order to secure the due appropriation of the Army and Navy Expenditure to the purposes intended by Parliament, it is expedient that the system of independent audit which, since the passing of the Exchequer and Audit Departments Act, 1866, has been successfully applied to the Accounts of the annual Grants for the Miscellaneous Civil Services, should be extended in its leading principles, to the Grants for Military and Naval Services."

when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at ten minutes  
after Nine o'clock.

#### HOUSE OF COMMONS,

Wednesday, 30th June, 1875.

MINUTES.]—SUPPLY—considered in Committee  
—Resolutions [June 29] reported.

PUBLIC BILLS.—Ordered—First Reading—Artizans Dwellings (Scotland) [229]; Public Health (Scotland) Act, 1867, Amendment \* [230].

Second Reading—County Boards (Ireland) [51],  
*put off*; Industrial Savings Banks [185],  
*put off*.

Third Reading—Glebe Lands, Corporate Bodies (Ireland) \* [47]; Royal Irish Constabulary \* [219], and *passed*.

Withdrawn—County Boards (Ireland) (No. 2) \* [27]; Compensation for Accidents to Workmen \* [186].

#### COUNTY BOARDS (IRELAND) BILL.

(Mr. O'Shaughnessy, Mr. Butt.)

[BILL 27.] SECOND READING.

Order for Second Reading read.

MR. BUTT, in moving that the Bill be now read the second time, said, that its object was to transfer to elective Boards the management of a large amount of taxation which was at present under the control of the Irish Grand Juries, the exercise of which power was

most anomalous. That amount was continually increasing, and in 1873 the money raised and expended by the Grand Juries amounted to £1,288,000, levied upon property of the rateable value of £10,000,000, and of the estimated value of nearly £13,000,000, and the purposes to which it was applied included, among others, the construction and maintenance of roads and bridges, the building of Court houses, the payment of prison and police expenses and the salaries of county officers. In England there was nothing whatever analogous to this state of things. The legitimate object of constituting the Grand Juries was the discharge of criminal business, and it was altogether anomalous and objectionable that a body nominated by the sheriff for that purpose should be charged with the administration of taxation. Up to the year 1836 the Grand Juries of Ireland levied taxation the same as in England. They were summoned the same as in England, and they administered and imposed their taxation in the same mode. The first and most important change was made in 1836, when the Grand Juries were required to deliberate on fiscal matters in public. This was a great advantage to the public, but other changes were made which were not so successful. The first was in the constitution of the Grand Jury, which was placed entirely under the control of the sheriff. The counties of Ireland were divided into baronies, which were somewhat similar to the hundreds in England. In the county of Cork the number of baronies were 23, while in other counties they were only seven or eight in number. In 1836 the Grand Jury were absolute, but now they were reduced to the position of a mere Court for the review of the decisions of local bodies. The sheriff had the power of selecting from the ratepayers in the baronies the names of persons who were to be on the Grand Jury, and he frequently chose those whom he knew would give a silent assent to the proceedings of the presentment sessions. That was substantially the system upon which for a long series of years the administration of £1,200,000 a-year was carried on. It was altogether an inefficient system, and the verdict was that in the whole of the levy of the taxation in Ireland there was not a shadow of personal control or representation. It was this system which he asked the

*Mr. Butt*

House to assist him in checking. In 1842 a Royal Commission was issued, upon which Sir William Somerville, Sir John Young, Mr. Serjeant Greene, and Mr. O'Ferrall sat. The Commissioners made a Report which contained recommendations in favour of a change. They cited instances of the mode in which the taxation was conducted, and pointed out the inefficiency of the appeals. But none of their recommendations had been carried into effect except the abolition of the office of County Treasurer. Yet it was shown that in some instances the persons chosen upon the road sessions could neither read nor write, and had no interest in the district proposed to be taxed. The same complaints were repeated before a Select Committee of the House of Commons in 1868, who recommended that the associated cesspayers should be selected by the ratepayers, and that no magistrate should be allowed to sit who had not an interest in the property of the district. In 1849 the Government, by the hands of Sir George Grey, brought in a Bill appointing District Councils and County Councils as distinct from the Grand Juries. Under that Bill two-thirds were to be nominated by what was intended to be, and would have been to some extent, a popular election, and one-third only were to be selected by the magistracy. The Bill was put off to a limbo to which a great many measures were often consigned. It was deferred until the following Session, with a promise that it would then be re-introduced, but that promise was never performed. In 1855 a Bill was introduced, also establishing County Boards, pretty much on the same principle, by Sir Denham Norreys. It fell through and was introduced again by the same hon. Member in 1856, and again in 1857, and there was then an end of that attempt at legislation. The next attempt was by himself (Mr. Butt) in 1861. He moved for a Committee of Inquiry, with a view of ascertaining how far the principle of popular representation might be employed. Mr. Cardwell, who was then Chief Secretary, opposed the Motion, and invited him to bring in a Bill, but he was not charmed with the invitation, knowing what became of Bills introduced by private Members. The Motion was defeated on a division, and if the Government objected to the present measure, he invited the Chief Secretary to bring in a Bill to carry out the

recommendation of the Committee of 1842. The Bill which he now asked the House to read a second time gave the ratepayers some voice in the management of the lunatic asylums, and substituted a more efficient mode of dealing with the roads of a county than at present existed. He proposed by it to adhere to the old division of barony; but where the number of baronies in a county exceeded 12, power was given by this Bill to the Lord Lieutenant in Council to consolidate them. Next, it was proposed by the Bill that the cesspayers of each barony should elect three persons to be members of the County Board, and that the magistrates resident in that barony should elect a person to be a member of the County Board. That was his plan for reforming the County Boards. He would not limit the amount at which the cesspayer should have the right of voting, and in that respect he followed the provisions of previous Bills which had been introduced, but not passed into law. He believed that the proportion of three cesspayers to one magistrate would make a good board. His great desire was to bring the gentry of Ireland and the ratepayers more together, as he felt sure that the more they associated with each other in the jury box and at local Boards, and the more they knew of their common interests, the more they would respect each other and live in harmony together throughout the country. His Bill contained clauses for the carrying out of the principle of this Bill, but he was afraid that as regarded the machinery of the Bill he had not been successful. Edmund Burke said that only a man sitting in a seat of authority could properly frame administrative clauses. He would like to see the Grand Jury in Ireland composed as the Grand Jury in England was of the first men in the county—of resident proprietors, and not of the agents of absentee proprietors. Under the present system in Ireland the sheriff nominated the agent of an absentee proprietor as a person to administer the affairs of a district. The administration of the law was degraded by that system. And there was a far greater evil connected with that system—namely, that in this great taxation for county purposes the people who paid the taxes had no representation. It was an enormous advantage to the people to teach them to have a voice in the expenditure

of the taxes to which they contributed. A taxpayer, if he had a voice, however small, in the expenditure of the taxes levied upon himself and his fellow taxpayers, felt very differently on that subject from a taxpayer who had no representation in the administration of money which was obtained by taxation. The taxes of which he was speaking were imposed by the Grand Jury and wholly paid by occupiers of property. Often some of the best men in England complained that the people of Ireland did not manifest sufficient self-reliance, and he was sorry to confess that the charge was true; but as long as the people of Ireland were deprived of having a voice with regard to the expenditure of the taxes which they were compelled to pay for the administration of the affairs of their own localities—as long as agents of absentee landed proprietors could dictate what local taxes they should pay—as long as they had no chance of being trained in a way which would stimulate independence, how could we expect them to manifest a self-reliant spirit? Not only were the people of Ireland not taught lessons of self-reliance, but what little self-reliance they had was taken away from them by teaching them in everything to look to the authorities of Dublin Castle as the supreme directors of their local affairs. He felt deeply that the people of Ireland would never become really independent until they obtained free institutions and were made responsible for the management of their own affairs. The hon. and learned Gentleman concluded by moving the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Butt.*)

Mr. BRUEN, in moving, as an Amendment, that the Bill be read a second time that day three months, said, it was on account of two objections that he took that course—first, because he considered the measure did not satisfy those requirements which the treatment of the subject demanded; and, secondly, because the existing Grand Jury system did not require that subversive treatment which the hon. and learned Member for Limerick proposed. It was, in his opinion, quite unnecessary to transfer the powers of the Grand Jury to the representative Council contemplated. Before there could be any taxation of property



and expenditure of county monies there must be a presentment to the quarter sessions, next there must be a presentment to the Grand Jury, and after that it must come before a Judge of Assize for his fiat. In all these proceedings the interests of ratepayers and of the owners of property were represented and taken care of. The presentment sessions, at which all money presentments and orders for the performance of works must be originated, though composed of cesspayers and magistrates who bore the taxation of the country, did not, he admitted, thoroughly represent the cesspayers, but that portion of the existing Grand Jury laws could easily be amended. In considering the question the hon. and learned Member for Limerick started with the assumption that the rates were paid by the occupiers in a greater proportion than by the owners. The cesspayers, no doubt, paid those rates in the first instance, but those rates were deducted from the rents they paid, and therefore ultimately the burden of those rates were borne by the landlords. The truth of this proposition had been affirmed by more than one Committee of the House. The hon. and learned Gentleman proposed by his Bill to give an undue influence to that portion of the community which paid the least rates—namely, the occupiers—because he proposed that three representatives of the occupiers in each barony should be elected members of the proposed County Board, which was to take the place of the Grand Jury, and only one member of the County Board should be elected by the justices to represent the owners of property. If the Bill were made law, in the county of Antrim, for instance, there would be 59 members of the County Board, and of those only 12 would be the representatives of owners of property. In the county of Armagh, the County Board would consist of 42 members, and of those only eight would be representatives of the owners of property. In the county he (Mr. Bruen) represented there would be 35 members of the County Board, and of those only seven would be representatives of the owners of property. In the county of Cork there would be 82 members of the County Board, and of these only 12 would be representatives of the owners of property. He thought he had shown that the direct representation which the hon. and learned Gentleman proposed to give

*Mr. Bruen*

to owners of property was not a just proportion. In any case where the interest of owners and that of occupiers conflicted, the former would be swamped by the latter under the system proposed by the hon. and learned Member. That was not fair or just. One reason why he asked that the present system should not be destroyed was that it was one which could without any serious alteration be easily moulded so as to get rid of any injustice which might be supposed to exist under it. With regard to the complaint of the hon. and learned Member that the occupiers of property were not represented under the present system, that matter could be easily remedied by enabling the cesspayers of each barony, in accordance with the recommendation of the Select Committee of 1868, to elect their own representatives, and determining that the number so elected should not be overridden by the justices. No doubt, to a great extent the Grand Jury panel was constituted by the sheriff, but that official was bound to distribute his selection over the entire county, and it was not in many instances that sheriffs placed on Grand Jury panels the representatives of absentee landlords. The Select Committee of 1868 held that Grand Juries were in reality efficient representatives of the landed property of the county. He had never heard it urged that by the action of the sheriffs landed property was imperfectly represented. If the owners of property felt that they were not represented in the management of local affairs they would certainly complain, and the circumstance that they had preferred no complaint on the subject was extremely significant. The existing Grand Jury laws did not require to be altered as regarded presentment sessions and Grand Juries in the manner proposed by the Bill. In what county had the Grand Jury shown itself unfit to discharge the duties or to exercise the power with which it was invested? Ireland, since the introduction of the Grand Jury system, was covered with some of the best roads in the world, constructed on economical principles. The statement that county cess had uniformly been increased was not borne out by the facts. On the contrary, he maintained that it had rather diminished than increased. The accusation could not be brought against the Grand Jury system that it had failed to accomplish

that which it was constituted to perform, and he therefore submitted that no case had been made out for its abolition; on the contrary, he thought it should be improved. The Bill they were discussing was studded, in his opinion, with imperfections which rendered it most undesirable that it should be read a second time. Amongst others he might allude to the female franchise which it created, and to Clause 7, which gave occupiers rated under £4 power of exercising by a vote large influence in the choice of representatives for these proposed County Boards, and it encouraged by the creation of new offices the reverse of economy. He was bound, however, to admit that he approved that provision in the Bill which gave the cesspayers more representation on the boards of management of lunatic asylums. Very judiciously, he maintained, could more direct representation be introduced. The best part of the Bill was that which related to compensation for malicious outrages; but, on the whole, he thought he had made out a good case for asking the House to reject the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Bruen.*)

CAPTAIN NOLAN said, the Bill which stood on the Paper in his name was designed to achieve, in some respects, the object which his hon. and learned Friend the Member for Limerick (*Mr. Butt*) had in view. Having canvassed his constituents twice, he was in a position to say there was no secondary question on which they were so united as that they should be represented in some way on the Grand Jury in reference to fiscal questions. After the last Election, he prepared a scheme which he thought would give the occupiers a fair share in the representation, and his Bill was actually printed before that of the hon. and learned Member for Limerick was in type. Thus it happened that the two measures appeared on the Paper to-day; but his was not a rival scheme to that of his hon. and learned Friend—which, indeed, he approved and intended to vote for. Many of the objections which had been raised by the hon. Member for Carlow (*Mr. Bruen*) formed no ground for rejecting the Bill, because they were objections which could more properly be dealt with in Committee.

The present system was so bad that he and those who acted with him found it difficult to persuade Englishmen that so bad a system could be tolerated for one moment. Grand Jury cess amounted annually to £1,219,000 on a valuation of £13,300,000, or nearly 2s. in the pound, which was 12 times as great as the present rate of income tax falling exclusively on the occupiers of land, and yet being with equal exclusiveness administered solely by the proprietors of land. His (*Captain Nolan's*) Bill only aimed at dealing with the Grand Jury system in Ireland, and in that respect it differed from the Bill of his hon. and learned Friend the Member for Limerick. The Grand Juries had £500,000 to deal with over which the barony sessions had no control. They had the appointments of the county officers; the cesspayers had no voice in their selection. The main point which the hon. Member for Carlow touched upon, and to which he expressed some objection, was "popular" representation.

MR. BRUEN explained that he did not object to popular representation, which harmonized and was associated with the action of the baronial sessions.

CAPTAIN NOLAN resumed: The principle of the Bill of the hon. and learned Member for Limerick was that the magistrates should be vested with the power of one-fourth of the representation, and the remainder of the electoral representation to be in the hands of the occupiers. The Bill was an extremely good one, and he should be glad to see it passed into a law, because it would remove a great many of the complaints that at present existed against the present system. He, however, differed from the hon. and learned Member as to the election of County Boards. It was a fair compromise; but if the Bill was rejected, it would be a better point of agitation that they should be elected by the whole of the ratepayers with the Ballot machinery, and not as proposed in the Bill of his hon. and learned Friend. He urged the desirability of the elections taking place upon the Parliamentary lists, and that the same election districts should be adopted, as a means of saving expense. With respect to the Grand Juries, the existing system of selection by the sheriffs was defective. There were in several of the counties in Ireland members of families who ex-

pressed themselves very much annoyed if not selected to serve on Grand Juries. But care should be taken that in the selection of Grand Juries Party spirit should not be imported into the choice. If the Bill now under consideration were rejected, the occupiers would assuredly get up an agitation, and would insist on their right to elect all the members of the Grand Jury. At present, in choosing Grand Jurors, the sheriff was under no restriction; he could summon whom he pleased, provided they had a certain property qualification. But surely representation ought to accompany taxation, and the ratepayers should have the power to elect the men who were to tax them. He thought that County Boards would give people legitimate means of combining in order to pass any measure which they might believe to be of public advantage. One object of great public importance which might have been promoted in this way was the construction of Irish railways upon the security of local rates. If these Boards were refused, Parliament would take upon itself a great deal of responsibility, and would probably retard in no small degree the development of the material interests of Ireland.

MR. STEPHEN MOORE would only say a few words; and first he would say that he was opposed to the Bill brought in by the hon. and learned Gentleman the Member for Limerick (Mr. Butt); and in opposing it he would take a shorter line in his argument than that taken by the hon. Gentleman the Member for Carlow (Mr. Bruen). He would not go into a consideration and discussion of the whole of the clauses, but he would say that he objected to the Bill as a whole. He could not agree with the hon. and learned Gentleman that there was such a necessity for amendment of the Grand Jury system in Ireland as he advocated. The Grand Jury system in Ireland was an institution that had existed for a great number of years, and had been found to work beneficially. There might have been some faults in it. As had been stated, some of them were in allowing the high sheriff to evade the law by which Grand Juries were constituted; but he maintained that there were blots to be found in every large institution. With regard to the allegation that there had been Grand Jury jobs, to put down which a more perfect system was required, he would point out

to the House that the hon. and gallant Member for Galway (Captain Nolan) had said that jobs were allowable, and that would upset the whole purpose and object of the hon. and gallant Member's Bill. He allowed that in large institutions jobbery was not only allowable, but desirable.

CAPTAIN NOLAN: I never had the slightest intention of giving utterance to such an extraordinary statement.

MR. STEPHEN MOORE said, the hon. and gallant Member might not have given utterance to that statement in those precise terms; but he was understood to say that it was right at times to choose certain men to carry out a particular work even though their appointment was opposed by some. Well, this in the minds of those who so opposed was jobbery. Now, as regarded this Bill, they had had in Ireland, unfortunately for some time, what might be called "sensational" agitation for legislation on the subject of the Grand Jury system in Ireland. He meant by "sensational," that it was uncalled for, and it was certainly opposed to the "Conservative" view of Ireland. He quoted the words of the hon. and learned Member for Limerick, indicating that there was a strong feeling of Conservatism in Ireland. Grand Juries were a very old institution in Ireland, and Irishmen, after all, were attached to old institutions. In his opinion, this agitation was got up by sensation-mongers in Ireland, though he did not point the phrase at the hon. and learned Gentleman the Member for Limerick. There was one thing in which he was agreed with the hon. and learned Gentleman, and that was that any system that could bring about a friendly feeling between the landlords and the ratepayers on the question of rating was desirable; but he must say, with regard to the election and selection of Poor Law Guardians, that all ratepayers were not suited by education, and that there were some chosen as members of Boards of Guardians who were not as well suited to deal with the financial questions as they might be. With regard to the Grand Juries, they were generally composed of men of education, and they were not more apt to err than other large assemblies; and when the hon. and gallant Member for Galway said there were large sums of the money of the counties in the hands of the Grand Juries in Ireland, he did not



tell the English and Scotch Members that the presentments had to be approved by the baronial sessions or counties. The hon. and learned Member for Limerick had certainly not brought any charges against the Grand Juries, but he had against the high sheriffs. Now he (Mr. Stephen Moore) had the honour of acquaintance with many of the high sheriffs in Ireland, and to his knowledge they had exerted themselves in a most impartial manner in the discharge of their duties in selecting gentlemen to sit on Grand Juries in their counties. There were, when the members to serve on Grand Juries were about to be selected in the counties, many who were desirous to go abroad; and there were many, who were owners of property, who did not desire to sit on Grand Juries. It was, however, always desirable to have owners of property on the Grand Juries. It had been said that members of baronies should only have power to vote on questions relating to their own particular baronies; but that he (Mr. Stephen Moore) thought would be as invidious as it would be to say that a Member of this House should not vote on any question not affecting his own particular county or borough. The strongest argument that had ever come under his notice happened in the South of Ireland, at a meeting of a Board of Guardians, wherein a very influential member of that board, said—"Of all the bodies in Ireland, the Grand Juries are the only bodies who are above corruption."

Mr. O'REILLY, in supporting the measure, thought that the hon. Member who had last spoken (Mr. Stephen Moore) had not read the Bill, or he would not have given utterance to the sentiments which he had expressed in his speech. He wished to state the question as regarded Grand Juries fairly. For 29 years he had been a member of a county Grand Jury in Ireland, and he admitted they had done their duty creditably. As to the question of presentment sessions, they were at present the only representative form of fiscal management in a county, and in them the Grand Jury determined for each barony the number of cesspayers to be associated with the justices. They were not always the cesspayers, the selection being left to the representative of the county. For instance, suppose a barony, nothing was easier than to select for that particular year the cesspayers who were known to be in favour of the road, and the next year other cesspayers would be selected. Then, as for the magistrates, he challenged the statement that they represented property in any large proportion. There were scores of men who held more land and paid more county cess than many who, from circumstances, had been made magistrates. One objection to the Grand Jury system was, that it was a temporary, transient, and shifting body. It was fair to infer that where there was liability to abuse it might occur, and he therefore thought there ought to be some better control over the patronage of the county offices now possessed by the Grand Jury. When an office became vacant the Grand Jurors were widely canvassed, and the selection might depend upon a slight change in the panel which might be made by the sheriff. He had known cases in Ulster and Leinster in which barony cess collectors had been appointed at 1s. and 10d. in the pound when the collection had been tendered for at 6d. In his opinion, it was desirable to mingle classes in the administration of their common interests. In Ireland bodies for local government might be classed under three heads. There were corporations which had the control of roads and buildings, local administration, and, to a considerable extent, of local institutions; then there were Boards of Guardians for the relief of the poor, the control of medical relief, and with authority in sanitary matters; and, thirdly, there were the Grand Juries. By the measure of his hon. and learned Friend it was proposed that all these bodies should be amalgamated, and he would suggest whether it would not be well for Ireland if they were to devote themselves to the question of organizing a good system of county government, which should solely deal with all the matters now administered by the present branches of county government—namely, the Boards of Guardians and the Grand Juries. The same central body should also have the control of education. He was persuaded that such a system would be attended with efficiency and economy. He should heartily support the Bill.

Mr. CONOLLY said, that as the system proposed in the Bill would not furnish in any proper sense a representation of property, those who advocated

it advocated an absurdity. He admitted there was a great deal of the feudal element in our Grand Jury system, but it was capable of improvement by an admixture of popular representation. He objected, however, to be governed by the mob. Hon. Gentlemen on the other side proposed, first of all, to destroy, and then to re-construct; but he, as a supporter of Conservative principles, declined to abolish an old system simply on the ground that it contained flaws; because, from close observation, it would be seen that it would be far easier to remedy these flaws than to set up an entirely new machinery. He thought, however, that the Government would do well if they should turn their attention to those points in the Grand Jury Laws which were capable of amendment. If they did so, they would receive assistance, not only from the other side of the House, but from the Grand Juries themselves.

MR. MC CARTHY DOWNING said, it was satisfactory to find that, from both sides of the House, the Government had received opinions that the Grand Jury system was defective, and ought to be amended. The question had been agitated for 35 years; several Committees had reported against the present Grand Jury system, and if the late Government had taken action on the Report of the Committee of 1868 it would not have been necessary to introduce this Bill. The practical exclusion of cesspayers from presentment sessions impaired, and sometimes destroyed their representative character, and this grievance could be remedied by making Poor Law Guardians also the cesspayers of those sessions. Their experience as Guardians fitted them to act with magistrates in managing county affairs. The county cess had risen largely in many counties. He admitted that, in his own county, the Grand Jury attended to public interests and conserved the public purse; but this result was not regarded with so much satisfaction as it would be if the Grand Jury possessed a more representative character. The late Government endeavoured in some way to meet the question, but the Bill brought in two years ago was not at all suited to meet the case. He believed there was no measure which the people of Ireland were more anxious about, as a secondary measure, than the present, and he thought the Government would meet

*Mr. Conolly*

with a large share of popularity if they supported a Bill to remedy the defects in the existing system, and gave a fair representation to the ratepayers of the country.

MR. MULHOLLAND opposed the Bill, which he considered was really a measure to abolish the present Grand Jury system in Ireland, and that was a strong course to take with an institution which, as had been said by hon. Members opposite, was looked upon with veneration. That system had been reported upon by a Committee, when it was held that the system had not been productive of any cause of complaint. He believed the Grand Jury system fully enjoyed the confidence of the people, and that Grand Juries were more strict guardians of the public purse than the presentment sessions. He trusted the Government would be able at some future time to bring in a Bill to carry out the recommendations of the Committee of 1868. Presentment sessions ought to be more representative, but he hoped Grand Juries would not be interfered with.

MR. STACPOOLE believed the Grand Juries of Ireland really represented the property of that country. They were ratepayers as well as Grand Jurors, and in that way they paid a large proportion of the county cess. If they had elected Boards there would be a good deal of jobbery, because the cesspayers were the greatest jobbers possible, their principle being "Scratch me and I'll scratch you." It also should be borne in mind that Grand Juries could not originate any taxation, that being done at presentment sessions—in fact, they had only a veto. He trusted the Government would leave the Grand Juries as a final Court of Appeal.

MR. MUNTZ said, that if it were possible for an English Member to comprehend an Irish question, he had gathered that the Grand Jury cess meant this—that a certain number of gentlemen were appointed by the High Sheriff of the county, and that they had the power of taxing the ratepayers. ["No, no!"] Well, he did not know what they might call the power of taxation; but he thought that where the Grand Juries had the power to guarantee a dividend to a railway, that was very much like a power of taxation. If the hon. Member for Downpatrick, who had just spoken, had been

in the last Parliament, he would have had the pleasure of hearing the subject discussed. He would remind the House that, upon that occasion, there was a long discussion upon a guarantee given by the Grand Jury, county of Waterford—a guarantee of 5 per cent to a railway for the little convenience of having the line taken through their land, and which 5 per cent, if it was paid, would have to come out of the rate to be levied on the county. This had been his experience of the Grand Jury cess, and it had occurred to him—"How would we like such a state of things in this country?" He felt it was absolutely indispensable to govern Ireland as a part of the Empire—as a part of ourselves—and that being the case, he looked upon the present Bill as a glorious attempt on the part of the hon. and learned Member for Limerick, and an attempt which did credit to him, to remedy the present objectionable state of the law. He would vote for the second reading of the Bill, merely in the hope that it might have some weight with the Government in inducing them to legislate upon the subject.

SIR MICHAEL HICKS-BEACH said, the speech they had just heard showed the difficulty felt by English Members in discussing Irish affairs, because the hon. Member said the Irish Grand Jury system was a thing he would not put up with in his own country; and yet it was a fact, that whatever might be said of the Irish Grand Jury system, it was, at any rate, so far as regarded the representation of the cess or ratepayers, in advance of the English system. The hon. Member for Cork (Mr. M'Carthy Downing) had suggested that in consequence of the various opinions expressed during this debate, the Government would be easily able to make up their minds to introduce a measure to deal with the question; but he (Sir Michael Hicks-Beach) had found a singular want of unanimity on the part of those who had spoken as to the defects in the present law and as to the manner in which those defects should be remedied. The hon. and learned Member for Limerick (Mr. Butt) said the Irish should act like the English, independently of centralizing influence. Now, in England the levying and the administration of county taxation were not in the hands of representatives

elected by those who paid the rates; they were even less so than was the case in Ireland. The county magistrates levied and controlled the whole amount of the county rate levied in English counties for prisons, police, lunatic asylums, county buildings, and county bridges; although they had nothing to do with the management of roads, which were managed by Highway Boards and surveyors of parishes. The English system, therefore, involved a far greater anomaly than the present state of the Grand Jury law in Ireland, where the Grand Juries had rather a controlling than an initiative power. The advocates of this Bill rather unduly depreciated the value of the Report of the Committee of 1868, although that Committee comprised Representatives of the popular party. The Report was one of the fullest and ablest documents ever presented to the House; and in that Report the Committee said—

"Practically, the Grand Jury now forms a Court of Appeal from the decisions arrived at in presentment sessions, and all proposals for county works, with slight exceptions, came before presentment sessions and cannot be legally sanctioned except with their approval."

In these presentment sessions the cess-payers were represented, but he would not say that they were represented in a satisfactory way. Yet they were more directly represented than county ratepayers in England. But why had proposals for abolishing the theoretical anomalies in English county government met with so little favour? Because we in England looked at the matter in a practical spirit. However great the anomaly might be in theory, in practice the result was an economical and able administration of county affairs. If the same test were applied to Ireland, if Irishmen would ask themselves how far, by the adoption of such a system as that sketched by the hon. and learned Member for Limerick, their county affairs would be better and more economically administered, he was not sure they would be ready to alter the existing system. The Committee of 1868 came to the conclusion that, however open to objection certain parts of the system might be in theory, its administration was generally pure and economical. Indeed, it had been admitted that it was not the Grand Jury who were most liable to the



temptation to jobbery; and no money could have been expended more economically than the money which had been laid out upon the roads of Ireland. The Committee said that no increase in the Grand Jury cess had been shown to be due to the extravagance of the Grand Juries; but could the same statement be made of some of the elected municipal councils of England and Ireland? Under those circumstances the Committee did not consider it necessary to recommend the abolition of the existing system, believing it could be so far modified as to do away with all just objections that were raised to it; and they did not believe it would be desirable to abolish or materially alter the constitution of Grand Juries, which, as a general rule, represented the landed property of the counties. The desirability of some further control by the cesspayers over the administration and taxation of the Irish counties had always been admitted, and measures for the amendment of the Grand Jury system with this view had been from time to time proposed. The Committee to which reference had been made recommended certain alterations in the constitution of Grand Juries in order to secure that they should be thoroughly representative in their character. They proposed that no person should be elected to serve on any Grand Jury who was not connected with the county by property or residence; that lists of qualified persons should be prepared; that no barony should have two representatives on a Grand Jury until one from every other barony in the county was nominated, or until the list of qualified persons was exhausted. He thought, without expressing any final opinion on these recommendations, that they were practical and in the right direction, and they could easily be introduced into an amending Bill. At the same time, it should be remembered that the Bill brought in by the late Government two years ago was so unfavourably received as to show that this question was surrounded with difficulties. What was offered, however, for their acceptance in the measure before them? The Bill proposed that, instead of the Grand Juries appointed under the existing law, there should be elected representative Councils so constituted as to include a stronger ratepaying element than was found

among the magistrates who at present formed the Grand Juries. In addition to the ratepayers it was proposed that the councils should include, as *ex officio* members, the mayor and one member of the town Council of every borough included within each particular county, together with one member from each Board of Guardians. He failed to see why this class of *ex officio* members need be elected, seeing that the ratepayers would, as a body, be represented by the elected members of the Councils. Taking the proposals altogether, he contended that they would give undue influence to the occupiers of property, and arm them with a greater proportion of power than had been suggested in any proposal heretofore offered to the House. On the whole, he thought that the existing Grand Jury, which represented the social influence and high character of the landowners of the country, was an element in local government which could not be replaced by any Council constituted on the principles laid down in this Bill. The real grievance in the present system was that, although the Grand Jury law professed in various ways to give an adequate amount of representation to the taxpayers, it failed in making that a real representation. That was admitted on all hands, and the Committee which sat in 1868 made a number of suggestions based on practical good sense, in order to remedy that defective state of things. One of these recommendations, however, would have tended to an undue multiplication of elections—an unfortunate circumstance in connection with bodies which we entrusted with the administration of local affairs. Another suggestion, that the Grand Jury cess should fall equally on the owner and occupier of property, might be most unjust in the case of existing leases, where the tenant had covenanted to pay the entire amount in consideration of other advantages. As far as he was able to judge off-hand, the suggestion which had been made by the hon. Member for Cork County was by no means a bad one. It was that the elected Poor Law Guardians should be, *ex officio*, the representatives of the cesspayers at the presentment sessions for the districts in which they were elected. That plan would, he thought, work well if the boundaries of the electoral divisions were made conterminous with those of baronies, and divisions of coun-

*Sir Michael Hicks-Beach*

ties. If a scheme could be framed which would provide uniform areas for the payment of local rates and the work of local administration, he thought it might include a remedy for all the real grievances which could be said to exist under the existing Grand Jury system. He could not undertake that next Session he should be able to introduce a Bill relating to this matter; but he would endeavour, when an opportunity was afforded him, to lay a scheme before the House based upon the principles which he had laid down. In conclusion, he could not hope on such an occasion to secure the support of the hon. and gallant Gentleman the Member for Galway, who wished for a complete revolution in the system of county administration; but he might appeal for the assistance of the hon. and learned Member for Limerick, whose speeches on questions of the kind were always eminently Conservative. There were other questions connected with Irish legislation which were more pressing than this, and he hoped, therefore, that it would not be thought necessary on the present occasion to press a Bill which, instead of proceeding upon the lines he had indicated, was based upon the destruction of much that was valuable and efficient, in order to remedy a grievance mainly theoretical, by the substitution of a system from which no one expected to obtain better practical results than were at present achieved.

MR. SULLIVAN asked the right hon. Baronet whether he intended that the Poor Law Board of Guardians should be the elements from which the new body should be taken under his indicated measure of next Session?

SIR MICHAEL HICKS-BEACH said, his suggestion was that the elected Guardians should be members of presentment sessions, and have a voice from the presentment sessions to the county presentment sessions.

MR. BUTT, in reply, said, the right hon. Baronet had correctly described him as a Conservative; but he was Conservative in the sense of placing his trust in the people and wishing to secure for them a fair share in the representation, rather than in the sense of that new-fangled Conservatism which would crush popular rights and place all the power in the hands of the few who happened to possess the wealth of a

country. The Grand Juries in England stood upon a footing altogether different from those in Ireland, whose members were selected by the sheriffs, and who further had an altogether different class of duties to perform. He regarded the old Grand Jury system as of great importance, considering the objects with which it had to deal, and he looked upon the proposal to give to Grand Juries a power to impose taxation upon the counties as an excrescence upon the old constitutional objects for which they were appointed. The power to impose taxation upon the counties was, however, now proposed to be given to an isolated body, comprising 23 gentlemen selected by an officer of the Crown. For his own part, he should far rather have a fixed than a fluctuating body, but they committed the management of local affairs in Ireland to this isolated body. If the gentry would come to reside among the people of Ireland, the people would have confidence in them, and they would get rid of this class legislation. The principle of the Bill before the House was to give to the people of Ireland a control over the local taxation of the country. He should certainly feel it his duty, after what he had heard the right hon. Gentleman state, to divide the House.

MR. LAW congratulated his hon. Friends on that side of the House on the interesting and valuable discussion which had taken place on the Bill. It seemed now to be universally admitted that the present system was one which could not be maintained, and he must say he thought the right hon. Baronet opposite had indicated a satisfactory mode of dealing with the question. He could not see any disposition on the part of any hon. Members to deal with the subject as a matter of class legislation, and he would therefore, after the sketch which the right hon. Baronet had given of the measure which he intended to introduce next Session, appeal to his hon. and learned Friend the Member for Limerick not to press his Bill to a division. The Bill which the right hon. Baronet had promised would in the main carry out the recommendations of the Committee of 1868 pretty much as the late Government proposed to do two years ago, by making the representation of the general body of taxpayers on the presentment sessions real, instead of

ideal, and at the same time reforming instead of putting an end to the existing Grand Jury system.

MR. MITCHELL HENRY, on the contrary, hoped his hon. and learned Friend would not shrink from a division. The real question on which they were about to decide was whether representation should go with taxation or not in future in Ireland. That was a principle which was dear to the people of England, and it would be an important point gained to have the sense of the House taken on it on that occasion. Another question on which they would also divide was whether Grand Juries should be relegated to their true and proper functions—namely, those of dealing with criminal business. Moreover, the Chief Secretary for Ireland had carefully guarded himself against promising to bring in a Bill on that subject next year.

MR. ARTHUR MOORE said, he was not at all satisfied with the explanation of the right hon. Gentleman, and hoped his hon. and learned Friend would not shrink from ascertaining the opinion of the House upon his Bill. Such a great variety of matters was now brought before Grand Juries that it was impossible for the county business to be properly done.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 125; Noes 182: Majority 57.

Words added.

Main Question, as amended, put, and agreed to.

Second Reading put off for three months.

#### INDUSTRIAL SAVINGS BANKS BILL.

(*Sir Edward Watkin, Mr. Sheriff, Mr.*

*Knatchbull-Hugessen.*)

[BILL 185.] SECOND READING.

Order for Second Reading read.

SIR EDWARD WATKIN, in moving that the Bill be now read the second time, said, its object was to enable companies to establish savings banks for their servants, the matter being purely voluntary as between master and man. The hon. Member concluded by moving the second reading of the Bill.

*Mr. Law*

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Sir Edward Watkin.*)

MR. SALT, in moving that the Bill be read a second time that day three months, said, he held that savings banks ought to be under regulation by law. These would not be, and he should therefore move the rejection of the Bill. He did not question the good intentions of the hon. Member who had charge of the Bill; but he contended that the Bill, as drawn, if he rightly understood it, might lead to undesirable, if not to disastrous results. The Bill practically proposed to embody in a public and general Act certain provisions contained in two private Acts relating to important railway companies. The clauses to which he referred enabled a company to collect money on deposit as in a savings bank from its servants, and to employ this money in the business of the company. No sufficient regulations were to be found in the Bill for publicity, and no efficient scheme for Government control. He repeated that, especially in the case of weak companies, this system might lead to disaster.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Salt.*)

THE CHANCELLOR OF THE EXCHEQUER said, he was not disposed to throw any impediments in the way of the extension of savings banks; but the House was not in a position to deal this Session with the question raised by that measure. The whole subject of the reform of savings banks was one which demanded the attention of Parliament and of the Government, and he hoped to be able at the proper time to take it up. There was no use in carrying the measure further then.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 82; Noes 107: Majority 25.

Words added.

Main Question, as amended, put, and agreed to.

Second Reading put off for three months.



# ARTIZANS DWELLINGS (SCOTLAND) BILL.

LEAVE. FIRST READING.

MR. ASSHETON CROSS, in moving for leave to bring in a Bill for facilitating the Improvement of the Dwellings of the Working Classes in Large Towns in Scotland, said, that early in the Session he had promised, the moment the Artizans Dwellings Bill for England had received the Royal Assent, that he would introduce a similar measure, precisely on the same terms, applicable to Scotland—of course, on the understanding that it should be passed as it was drawn. He accordingly now moved for leave to bring in the measure referred to.

*Motion agreed to.*

Bill for facilitating the Improvement of the Dwellings of the Working Classes in Large Towns in Scotland, ordered to be brought in by Mr. Secretary Cross and The LORD ADVOCATE.  
Bill presented, and read the first time. [Bill 229.]

# PUBLIC HEALTH (SCOTLAND) ACT, 1867, AMENDMENT BILL.

On Motion of The LORD ADVOCATE, Bill to amend "The Public Health (Scotland) Act, 1867," in respect of Loans for Sanitary Purposes, ordered to be brought in by The LORD ADVOCATE, MR. CHANCELLOR of the EXCHEQUER, and Mr. Secretary Cross.

Bill presented, and read the first time. [Bill 230.]

House adjourned at five minutes before Six o'clock.

# HOUSE OF LORDS,

Thursday, 1st July, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Glebe Lands Corporate Bodies (Ireland) \* (181); Royal Irish Constabulary \* (182).

Committee—Pollution of Rivers \* (169-183).

Committee—*Report*—Registration of Trade Marks \* (167).

*Report*—Canada Copyright \* (179); Local Government Board's Provisional Orders Confirmation (Abingdon, Barnsley, &c.) \* (151); Local Government Board's Poor Law Provisional Orders Confirmation (Oxford, &c.) \* (150).

*Third Reading*—Public Records (Ireland) Act, 1867, Amendment \* (168); Drainage and Improvement of Lands (Ireland) Provisional Order \* (138); Elementary Education Provisional Order Confirmation (London) (No. 2) \* (141); Pier and Harbour Orders Confirmation (No. 2) \* (135); Local Government Board (Ireland) Provisional Order Confirmation (No. 2) \* (148), and passed.

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# POLLUTION OF RIVERS BILL.

(The Marquess of Salisbury.)

(nos. 81, 169.) COMMITTEE.

Order of the Day for the House to be put into Committee read.

*Moved*, "That the House do now go into Committee on the said Bill."—(The Marquess of Salisbury.)

THE EARL OF AIRLIE said, that though this important Bill was introduced at a reasonably early period, he thought there was just ground of complaint that their Lordships should not be asked to go into Committee until the month of July. He believed the fact to be that the noble Marquess who had charge of the Bill had hardly estimated the difficulties which stood in the way of the legislation he proposed. He admitted that some of the Amendments which the noble Marquess proposed to make in the Bill would effect a considerable improvement in it, especially that which proposed to extend the measure to the whole of the United Kingdom. He had never been able to see why Ireland should be excluded from the benefits of the Bill. But the Amendments had not removed the serious difficulties which surrounded the question. For instance, while requiring persons to remove pollutions, the Bill gave them no power to comply with the law. No amount of filtration would get rid of the deleterious matter in sewage; and, unless power were given to the authorities charged with the carrying out of the Bill to take land for the purpose of disposing of the sewage upon it, he did not see how the object in view could be effected by legislation. With the exception of the provisions relating to solid matter, he did not think it would be practicable to carry out the requirements of the Bill.

*Motion agreed to*; House in Committee accordingly.

Clause 1 *agreed to*.

*Law as to Pollution of Rivers.*

Clause 2 (Prohibition as to putting solid matters into streams) *agreed to*.

Clause 3 (Prohibition as to drainage of sewage into streams).

THE DUKE OF BUCCLEUCH having proposed certain verbal Amendments, of which no printed copies had been delivered—

THE EARL OF KIMBERLEY expressed an opinion that Amendments in so important a Bill ought to have been printed.

THE DUKE OF BUCCLEUCH explained that there was no time for him to have had his Amendments printed, as the Bill, in its present shape, had only been in the hands of noble Lords since Monday.

VISCOUNT CARDWELL must express his opinion that more time ought to be given for the consideration of the subject before their Lordships were asked to agree to a clause affecting such large interests as those which would be dealt with by Clause 3. If the noble Duke had only had the Bill since Monday, persons in the country greatly interested in the measure could not have had an opportunity of seeing it.

THE MARQUESS OF SALISBURY said, that this clause in substance had been before the country since May last. Undoubtedly some slight alterations had been made; but it was a new doctrine that every time a slight alteration was introduced into a clause it was necessary to interpose a long period, in order to enable persons in the country to appreciate the Amendment. He feared that under such a rule in their Parliamentary proceedings their pace, which was not remarkably rapid, would be reduced to an absolute standstill.

VISCOUNT CARDWELL said, it was true that a Bill on the subject of the pollution of rivers was introduced by the noble Marquess in an able speech as far back as May; but since that the noble Marquess, in another speech, had informed their Lordships that the Government felt obliged to alter their plan, and had introduced clauses making necessary alterations: so that it was, in fact, a new Bill that their Lordships were asked to go into Committee upon at this late period of the Session.

THE DUKE OF CLEVELAND expressed his concurrence with the noble Viscount. He would remind the noble Marquess that in his speech the other evening, when he announced the intention of the Government to abandon portions of the Bill, he stated distinctly what they were. But now Amendments were to be proposed of which they had heard nothing until Monday last, and it was impossible their Lordships could now discuss them in a proper manner. The

month of July was too late a period to commence dealing with a measure which affected such large interests throughout the country.

THE DUKE OF SOMERSET wished to point out that if their Lordships turned to Clause 14—the Interpretation Clause of the Bill—they would find that “stream” shall include—

“Rivers, streams, canals, lakes, and water-courses of every description, and such tidal waters or portions of the sea as the special authority or the Local Government Board shall determine.”

From that definition their Lordships might judge how extensive would be the operation of Clause 3. He submitted that their Lordships ought to pause before giving their sanction to such a clause. He thought the clause should be struck out altogether—there was no other mode of amending it.

EARL GREY, on the contrary, hoped that the clause would be retained, as it was really the only practical part of the measure. The evils of river pollution had become so serious that it was high time some check should be put to it. Many of our streams would have been comparatively pure to-day had a similar Bill to the one under discussion been introduced long ago. He hoped their Lordships would not reject any practicable mode of dealing with it.

*Moved, “To leave out Clause 1.”—*  
(*The Duke of Somerset.*)

THE DUKE OF RICHMOND said, the noble Duke’s objection to the clause would have been urged more appropriately on the second reading, as the 3rd clause really embodied the essence of the Bill. Their Lordships might as well reject the whole Bill as strike out Clause 3. When they came to the Interpretation Clause, they might modify the definition of the word “stream,” if it was thought necessary to do so, though he did not say that it was.

THE EARL OF AIRLIE said, that under certain local Acts there was an obligation in particular localities to drain tidal waters, but “stream” as used in this Bill would include such tidal waters as the Local Government Board might please to subject to the operation of the Bill.

THE MARQUESS OF SALISBURY recommended their Lordships not to put too much stress on the Proviso at the

end of the clause. The great object of the Bill was, as far as possible, to remedy the neglects of by-gone years, and to save our rivers from further pollution, so far as was practicable by legislation. The great error of former legislation was that it left private persons at liberty to pollute our streams, the purity of which was so essential to the public health: the object of the Government, and of this Bill, was to put a stop to that power in future. If their Lordships rejected this clause, pollution would go on as it had done before, and, perhaps, go on indefinitely.

LORD SELBORNE said, that the Proviso was the most important part of the clause. Without that Proviso, the only change made by the Bill was to substitute the County Courts for the Court of Chancery, as the tribunal for trying and adjudicating upon complaints arising out of pollution. As the clause at present stood, no new pollution was to be allowed; but the Proviso enacted that no one who before the Act had polluted a stream, should be deemed to commit an offence against the Act, though he might continue to pollute it, if he proved that he had used "the best practicable and available means" to render the sewage harmless. It occurred to him that the question what were "the best practicable and available means" would be a very difficult one, and yet the County Court was to decide it. The case of the Birmingham Corporation, and some other cases which had been before the Court of Chancery, showed how difficult it was to decide such a question. Again, there might be evidence enough on that point to exonerate the party in the eyes of the County Court, and yet the river would continue to be polluted.

THE LORD CHANCELLOR, in reply to the point raised by the noble Earl opposite (the Earl of Airlie), said, that the objection might be very easily dealt with. It would be easy to declare that where there was a right or an obligation under a local Act to drain tidal waters, the Local Government Board should have no right to declare those tidal waters subject to this Bill. As to the Proviso to the clause under discussion, his noble and learned Friend (Lord Selborne) said that without it the Bill did nothing but substitute the County Courts for the Court of Chancery. His

noble and learned Friend forgot that this Bill would throw upon a public body the obligation to do what was at present left to private individuals. The Bill provided an expeditious, a simple, and a cheap mode of proceeding, and it set out a category in which were stated what were to be regarded as offences against the Act and punished accordingly. As to the Proviso, all it provided was that where the pollution existed in January, 1875, and it was shown that "the best practicable and available means" had been taken to purify the matter conveyed into the stream, no offence was to be deemed to have been committed under this Act; but the existing law stated that there was a right to prevent pollution, and that right would not be taken away by this Bill. He admitted that it was difficult to decide what were "the best practicable and available means;" but the Government had not been able to devise anything better than this test. If his noble and learned Friend could suggest one, they would be delighted to receive it. As to submitting so difficult a question to a County Court, he would remind his noble and learned Friend that there was an appeal from that tribunal. The question which the Court of Chancery had to decide in the Birmingham case was not whether "the best practicable and available means" had been used to prevent pollution, but whether the liquid was absolutely harmless.

THE EARL OF KIMBERLEY said, that noble Lords on his side did not dispute the principle of the clause, but only doubted the means by which it was to be carried out. Under the existing law, if anyone polluted a river he might be proceeded against in the Court of Chancery, and the noble and learned Lord (the Lord Chancellor) had explained that the right of proceeding in that way would not be taken away by this Bill. Technically that was true; but if Parliament passed a Bill like this, it would be compelled to take away all remedies against the pollution of rivers except that provided by the Bill. He feared the effect of the Proviso would be to give a kind of charter to corporations in the matter of sewage, so long as they were using "the best practicable and available means" to render their sewage harmless. Such a state of the law could not long be maintained.



THE EARL OF CARNARVON said, he exonerated noble Lords opposite from any desire to oppose the general principle of this Bill. He must, however, remark that the course of this discussion had been not a little singular. It arose on Amendments proposed by the noble Duke (the Duke of Buccleuch) which were small in amount and purely verbal; and on others that had been introduced in consequence of suggestions from noble Lords opposite themselves. Then an objection was taken that the clause itself would interfere with very great interests; but his noble Friend the noble Marquess (the Marquess of Salisbury) pointed out that though alterations had been made in other parts of the Bill, this clause was now substantially the same what it was when the Bill was introduced in May last. Then objections were urged against the clause itself, which if effect were given to them would render the whole Bill worthless. The noble Earl on the cross benches (Earl Grey) had pointed out what the effect of these objections must be. It did not seem to be remembered by some noble Lords that though the provisions of the Bill were to be carried out by local bodies they would be carried out under the supervision of a great Department of the Government, and in the full blaze of public opinion. Then as to the Proviso, and the defence which it allowed, in cases in which the pollution had been going on and previously to January, 1875, their Lordships would do well to bear in mind that in all legislation what were called vested interests had to be to some extent regarded, and that a very great good would be achieved if the future pollution of rivers were prevented. He admitted that if the Bill in its original integrity could have been carried he would have preferred it; but he asked their Lordships not to reject on objections such as had been urged that evening legislation which had been so long called for, and which even in the shape in which it was then before their Lordships was calculated to do so much good.

EARL GRANVILLE said, that the noble Marquess opposite (the Marquess of Salisbury) knew that it was very easy to get up opposition to any Bill dealing with the subject to which the one before their Lordships was directed; but there was no desire on the part of noble Lords

on the Opposition side to oppose the principle of the Bill:—on the contrary, as was very well known, there was as great an anxiety on their parts to pass a good measure for the prevention of the pollution of our rivers as there could possibly be on the Government side. Objections were taken to details, and then they were told that these were of the very essence of the Bill—he was not so sure that the Government had yet made up their mind as to what was the essence of the measure. The noble Marquess when introducing the original Bill made a speech of great ability to show how practicable the Bill would be; but the next time he spoke on the subject he showed what insuperable objections there were to some parts of it. The measure was in three divisions—one relating to solid matter, one to sewage, and one to manufacturing impurities. With regard to the first, he believed there was little or no difference on the subject, and that had the Bill been confined to solid matter there would have been no difficulty in passing it; but the noble Marquess must see from what had passed in their Lordships' House that evening that on the other points there were wide differences of opinion. With regard to this Proviso, he feared that if it were passed it would be a great obstruction to future legislation, because it would give to the parties concerned a prescription of wrong doing. He put it to the noble Marquess whether there was any use in the Government passing clauses in their Lordships' House now which in all probability they would have to give up hereafter if they meant the Bill to pass through Parliament during the present Session.

LORD SELBORNE said, he was convinced that they would effect nothing until they got beyond the stage of simply telling people what they ought not to do, and constituted some authority with power to decide clearly what ought to be done.

On Question, That the said clause stand part of the Bill? their Lordships divided:—Contents 85; Not-Contents 45: Majority 40.

Clause agreed to.

Clause 4 (Prohibition as to drainage into streams from manufactories).

THE DUKE OF NORTHUMBERLAND moved the insertion of the word "discolouring" after "noxious," his object being to render the discolouring of a river or stream an offence.

THE MARQUESS OF SALISBURY said, he should have been very glad if it had been in his power to accede to the Amendment. It was a great evil that so many of our more beautiful rivers were discoloured by the processes of manufacture carried on upon their banks; but in dealing with this question the Government had gone upon the principle of preventing that only which was a real wrong, and in doing so not if possible to interfere with industries by which thousands of persons were supported. "Discolouration" of the water was an offence against taste rather than against health or purity. The dyes which produced the greatest discolouration were chiefly logwood, fustic, and vegetable dyes of that kind, but they did not make the water unwholesome. A gentleman had informed him that he discoloured 7,000,000 gallons of water per diem, and that the fish came about his works rather than other parts of the river, and the state of obesity which those fish attained was something striking. He had no evidence on the other side, and was, therefore, forced to admit the statement. No chemical process, however, was known by which these costly dyes could be prevented when used from dyeing the water also, and it rested with their Lordships to say whether the mere æsthetic objection ought in that case to prevail. He believed it was perfectly accurate to say that if words were introduced into the clause to prevent the discolouration of water, the result would be that nine-tenths of the mills in Scotland would have to be closed. Having regard to the interests concerned, he could not accept the Amendment.

LORD CARLINGFORD regretted the noble Marquess had not informed the Committee why it was he proposed the present clause at all. He had understood him to state on a former occasion that the proper complement of the Bill would be another measure to be introduced next year dealing with manufacturing processes; and he had fully understood him to say that the whole of that part of this Bill by which it was intended to interfere with those processes

was to be abandoned. He was astonished, therefore, to find Clause 4 in the Bill, and he wished, therefore, to ask the noble Marquess why it was he anticipated by such a clause that complement of legislation to which he had referred — although, indeed, the course proposed by the clause to be adopted was so cumbrous that it could, he thought, have hardly any operation even if passed.

THE MARQUESS OF SALISBURY begged to remind the noble Lord that the Question before the Committee was whether the word "discolouring" should be inserted in the clause. He might, however, explain that the object of the clause was that where there was no existing interest it should be absolutely unlawful to introduce new mining or manufacturing pollution into rivers, and that the question of pollution by existing manufactories and mines should be left for consideration to another year. It was proposed by this Bill to take that point of departure which Parliament had hitherto neglected to take, and which, if it had been taken 20 years ago, would have removed many of the difficulties with which Parliament had now to contend in dealing with the subject.

LORD ABERDARE regretted that the Government had not grappled with the question in a more comprehensive spirit, so as to give the largest possible powers to the general and local authorities to execute those works on a great scale of general sewage which alone would enable them to comply with the law.

THE DUKE OF CLEVELAND was of opinion that the words of the clause as they stood would scarcely carry out the object which the noble Marquess stated he had in view. As to the legislation proposed being piecemeal, he did not at the present advanced period of the Session feel disposed to find fault with the Bill on that account. He thought that at this time it would be somewhat inconvenient to introduce a comprehensive measure. As it was now declared that existing interests were not to be interfered with, he thought the fact should be more clearly stated.

THE MARQUESS OF SALISBURY pointed out that there was this difficulty in the way of inserting a Proviso in the clause declaring that it should not apply to present mining and manufacturing pollution, that when Parlia-

ment came to legislate on the subject next year the objection would be raised that it had already given its sanction to the proceedings of existing interests. He should, however, be glad to insert any words in the clause which would express exactly that which was the intention of the Government. He thought the matter must be dealt with very tenderly if it was proposed to make it subject of future legislation.

VISCOUNT CARDWELL said, the noble Marquess advocated the course which he asked the Committee to sanction on the ground that it would facilitate the progress of any comprehensive measure which might be introduced next year. But how, he should like to know, would it facilitate the passing of such a measure if all those who were now engaged in those trades should stand shoulder to shoulder for the purpose of maintaining the *status quo* and defending their monopoly? And might not the anticipation of future interference discourage the creation of new manufacturing establishments?

THE DUKE OF BUCCLEUCH urged that by the exercise of skill and the use of proper means for the purpose the pollution of rivers by manufactories might be very considerably reduced. The only effect of the clause would be that those who started new manufactories would be obliged to adopt those remedies which many polluters of rivers were very disinclined even to think of. It was very necessary, indeed, by some measure to prevent new sources of pollution from springing up. Esparto grass, for instance, had been recently introduced for the manufacture of paper, and the refuse of this was of poisonous quality.

THE LORD CHANCELLOR thought the words of the clause were clear enough. In regard to new manufactories the Bill did not change the law; it did not make anything illegal which was now legal. On the other hand, Clause 6 provided that every sanitary or other local authority having sewers under their control should give facilities, which were not given now, to enable manufacturers within their district to carry noxious liquids into the sewers upon terms to be settled by agreement or arbitration. That was a most material advantage to be afforded to those who set up new manufactories. Then,

*The Marquess of Salisbury*

as to their throwing protection by this Bill around existing manufacturers who polluted rivers and who might hereafter band themselves together against future legislation, he would remind their Lordships that the 12th clause of the Bill provided that—

“All powers given by this Act shall be deemed to be in addition to and not in derogation of any other powers conferred by Act of Parliament, law, or custom, and such other powers may be exercised in the same manner as if this Act had not passed; and nothing in this Act shall legalize any act or default which would but for this Act be deemed to be a nuisance or otherwise contrary to law.”

Therefore, those who were at present polluting rivers would not in the slightest degree be in a better position than they were now. All that was proposed to be done was in creating an improved machinery to say that it should not be put in force in regard to *de facto* manufacturing operations until after a certain period. The real object was to point to future legislation of some kind or other which was to have the effect of putting in motion the powers of the Bill against those who were now polluting rivers.

LORD SELBORNE thought there was no reason for so fettering proceedings under that Bill, the object being to legislate hereafter. It would be an additional motive to those now engaged in polluting rivers to use their endeavours to prevent future legislation if that Bill were made inapplicable to them until such future legislation was adopted. It would be better, he thought, to say, that proceedings should not be taken for a certain time—say two years—which would give Parliament full opportunity to legislate during the interval so allowed.

THE MARQUESS OF SALISBURY said, he did not believe that the owners of dye-works would have so much Parliamentary influence to prevent the passing of a Bill introduced early in the Session as they might have in July.

VISCOUNT CARDWELL was of opinion that, instead of being an equal law, the Bill would be easy of enforcement against those who might hereafter become manufacturers and difficult of enforcement against those who were at present polluters of streams.

On Question? *Resolved in the Negative.*

*Clause agreed to.*



*Administration of Law.*

Clause 5 (Sanitary authority to afford facilities for manufactories to drain into sewers) *agreed to*.

Clause 6 (Power of sanitary authority to enforce Act).

THE MARQUESS OF LANSDOWN pointed out that in the original Bill the clause had been permissive and that it had now been made compulsory. He had been surprised by this change, for he had noticed it immediately after reading some remarks made elsewhere by the noble Marquess on the superior virtue of the word "may" as compared with the word "shall." He was glad that in this instance the noble Marquess had been guilty of a slight infidelity to his principle. The duty of enforcing this Bill would fall chiefly on the medical officers of the sanitary authorities, and it would be well to consider the position they occupied. Taking one or two cases at random, he found that one medical officer, in a population of 31,000, received £25 a-year; another, in a population of 45,000, had £200; and a third, in a population of 20,000, had £50. They were allowed, of course, private practice in addition. Before powers such as those given by this Bill were conferred upon the local sanitary authorities those bodies should be re-constituted, and he trusted that Her Majesty's Government would consider the advisability of bringing in before long some measure to effect an alteration in the direction he indicated.

LORD ABERDARE wished to know whether a local authority higher up the stream was to be liable to prosecution by a local authority lower down the stream?

THE MARQUESS OF SALISBURY replied that if a local authority fouled a stream they would be liable to be prosecuted by the local authority whose stream they fouled. It was rather too much to ask the country to wait for a moderate and necessary measure like the present until some vast re-construction in the constitution of our sanitary authorities had been achieved.

Clause *agreed to*.

Clause 7 (Power of Local Government Board to enforce Act) *agreed to*.

Clause 8 (Constitution and expenses of conservancy authority).

LORD ABERDARE asked whether some protection should not be given to those local authorities who showed an intention of carrying out the provisions of the Bill against indiscriminate prosecution before their arrangements and works could be completed?

THE DUKE OF RICHMOND thought that the suggestion of the noble Lord was not unreasonable, and would consider the point with the view of amending the clause on the Report.

Clause *agreed to*.

Remaining clauses *agreed to*.

Amendments made; the Report thereof to be received on *Thursday* next; and Bill to be *printed*, as amended. (No. 183.)

House adjourned at half past Seven o'clock, till To-morrow, half past Ten o'clock.

## HOUSE OF COMMONS,

*Thursday, 1st July, 1875.*

MINUTES.]—SELECT COMMITTEE—General Carriers Act, 1830 [No. 295].

SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES—CLASS IV.—EDUCATION, SCIENCE, AND ART.

PUBLIC BILLS—*Second Reading*—Poor Law Amendment [217], *debate adjourned*; Bridges (Ireland) \* [226]; General Police and Improvement (Scotland) Provisional Order Confirmation \* [227]; Gas and Water Orders Confirmation \* [228].

Committee—*Report*—Police Constables (Scotland) \* [213]; Infanticide \* [43].

Considered as amended—Summary Prosecutions Appeals (Scotland) \* [191].

Withdrawn—Intoxicating Liquors (Ireland) \* [71].

## MERCHANT SHIPPING ACTS AMENDMENT BILL—THE SIXTH CLAUSE.

## QUESTION.

LORD ESLINGTON asked the President of the Board of Trade, Whether, since the passing of Clause 6 of the Merchant Shipping Bill in Committee, he has received a protest from agents of foreign shipowners at Liverpool, Newcastle, Cardiff, Leith, and London against interference with foreign shipping; and, whether he intends to propose, on Report, any alteration of Clause 6, so as to meet the objections of the memorialists?

SIR CHARLES ADDERLEY, in reply, said, that no such protest had been received by the Board of Trade. The 6th clause had not passed, nor been debated, but was postponed. It proposed no interference with foreign shipping; but, on the contrary, its object was the prevention of British ships from assuming falsely a foreign character, which was as much in accordance with applications now being made by foreign Powers to us as it was in the interest of all honest British shipowners, and for this purpose the clause would enable the public officer to demand the production of papers showing the ship's assumed nationality. Some memorials were received in May, but were based upon an entire misconception of the meaning of the 6th clause. He proposed to amend the postponed clauses in their wording before they were brought up again, but not in their substance.

CRIMINAL LAW (IRELAND)—CASE OF MARY M'MAHON.—QUESTION.

MR. O'SHAUGHNESSY asked Mr. Solicitor General for Ireland, Whether it is true that one Mary M'Mahon was lately convicted in Cork of a murder committed in Limerick; that the Court of Queen's Bench in Dublin was equally divided as to the validity of the verdict; that the verdict was set aside, the junior Justice withdrawing his judgment; and that the gentlemen advising the Crown on the occasion decline to ask the decision of the Court of Appeal on the question of procedure as to whether the court was divided, notwithstanding expressions from the bench suggesting the propriety of appealing; and, whether it is intended that the prisoner shall have immunity from all penal consequences of the murder; and, if not, what course the Crown intends to pursue?

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET), in reply, said, that Mary M'Mahon was recently convicted at Cork of a murder committed at Limerick, the cause having been removed into the Queen's Bench, and the venue changed from Limerick to Cork. It was true that the Court of Queen's Bench in Dublin was equally divided as to the validity of the verdict, and the junior Judge having withdrawn his judgment *pro forma*, judgment was arrested. He believed

also that some expressions fell from some members of the Court in favour of speeding a Writ of Error; but the Attorney General for Ireland having carefully considered all the circumstances, and having consulted with the Law Officers of the Crown in England, had decided that this was not a case in which a Writ of Error should be brought. He might add that it was intended to prosecute the woman for a robbery committed at the same time as the murder.

IRISH CHURCH ACT—CLAUSE 25— PRESERVATION OF NATIONAL MONUMENTS.—QUESTION.

MR. MITCHELL HENRY asked the Chief Secretary for Ireland, If he would state to the House who has been appointed by the Board of Works to superintend the preservation of the National Monuments in Ireland; what has been his profession, and whether he has made the ancient architecture of Ireland a subject of previous study; and, whether the Chief Secretary will lay upon the Table of the House a Copy of the Instruction under which the officer is to act?

SIR MICHAEL HICKS - BEACH, in reply, said, that the hon. Gentleman was probably not aware that this matter was under the control of the Treasury, and not of the Irish Government. An architect by profession had been appointed to superintend the preservation of national monuments in Ireland. He could not say whether a copy of the instruction given to this officer had been laid on the Table; but his duty would be to preserve the national monuments, and not to restore them.

IRISH FISHERIES—GALWAY. QUESTION.

MR. MITCHELL HENRY asked the Chief Secretary for Ireland, Whether it is true, as stated in "The Galway Vindicator," that the inspectors of fisheries have long ago made their recommendations as to the distribution of the portion of the Reproductive Loan Fund set apart for the fishermen on the coast of Galway; and, whether the fund will be made available in time for the autumn fishing?

SIR MICHAEL HICKS - BEACH, in reply, said, the Inspectors of Irish Fisheries began to make recommendations in May last, and had continued to do so

till the present time. The remainder of their recommendations would soon be forwarded to the Office of Public Works. He was informed by the Office of Public Works that a Circular would shortly be issued with reference to the distribution of the fund, and that upon the necessary forms being filled up, money would be advanced to the fishermen in a month.

CRIMINAL LAW (IRELAND)—CASE  
OF JOHN SLATOR.—QUESTION.

MR. R. POWER asked the Chief Secretary for Ireland, Whether his attention has been called to the case of John Slator, recently acquitted at the Commission Court in Dublin of a criminal assault on his own daughter, and to the reported remarks, as reported in "The Freeman's Journal," of one of the jurors and of the Judges:—

"Mr. Justice Barry said, 'He could not characterize the proceeding but as a failure of justice. A juror suggested that they should append to their verdict a statement to the effect that the indictment had been carelessly prepared. Mr. Baron Dowse asked whether the Attorney General was aware, when the indictment was being framed, that a woman could not be examined against her husband in a criminal case, and added it was a serious miscarriage of justice, and if the Attorney General did not know the law in the case he ought to have known it;'"

whether the Report is substantially correct; and, whether any steps have been taken or are intended to be taken to secure an efficient management of criminal prosecutions?

SIR MICHAEL HICKS-BEACH, in reply, said, that this was one of those cases which not unfrequently happened in which evidence given at the trial differed from that given upon the information. There were three counts in the indictment against the prisoner. The first two were for assault upon a child under 12 years of age, and the third was for an indecent assault, without regard to the age of the child. No evidence could be adduced at the trial which satisfied the Court that the child was under 12 years of age, and it had since been ascertained that the child was absolutely over 12. It appeared by the information with regard to the third count that the child was not a consenting party, but upon her cross-examination it appeared that she was so. Therefore the count for an indecent assault could not be

sustained. There was no failure of justice with regard to this particular trial. With regard to the remarks attributed to Mr. Baron Dowse upon the occasion, he (Sir Michael Hicks-Beach) held in his hand a letter from that learned Baron, from which it appeared that he did not use the words—"If the Attorney General did not know the law in the case he ought to have known it." Baron Dowse was, of course, aware that the duty of the Attorney General was merely to decide in cases of this kind whether a prosecution should be instituted or not, and that the form of the indictment and the future proceedings in any particular case were entrusted to two gentlemen—who in this case happened to be Mr. Murphy and Mr. O'Brien—who were universally admitted to be thoroughly capable of fulfilling their duties, and had been appointed to their offices by the late Government. He might also quote from Mr. Baron Dowse's letter that learned Judge's opinion with regard to the capabilities of these gentlemen. Mr. Baron Dowse said—

"I may add—and in this I have the assent of my colleague Mr. Justice Barry—that at the last very heavy commission, as a rule, the prosecutions in Green Street were remarkably well conducted by the experienced solicitor and able counsel who represent the Crown."

Other Judges had at different times expressed the same opinion. On the whole case he would remark that there had been no failure of justice, and that whatever might have occurred the Attorney General had been most unjustly blamed for a matter which was not under his own control, and in which he was not in any degree responsible.

MR. R. POWER asked, whether Mr. Justice Barry did not say that he could not characterize the proceedings except as a failure of justice?

SIR MICHAEL HICKS-BEACH said, he thought that might very likely have been the case, and he would explain why. The learned justice and the jury were at the time under the impression, which was afterwards disproved, that the child was under 12 years old.

KINGDOM OF ITALY—THE MURDER  
OF MR. HINDE, NEAR NAPLES.

QUESTION.

SIR WILLIAM STIRLING-MAXWELL asked the Under Secretary of



State for Foreign Affairs, If he can give any information as to the state of the investigation into the murder of the late Mr. Hinde near Naples, and the steps taken on behalf of Her Majesty's Government to secure the conviction of the murderer?

MR. BOURKE: Sir, I can assure my hon. Friend that the murder of Mr. Hinde near Naples in March last has from the first engaged the earnest attention and solicitude of Mr. Calvert, our Consul at Naples, and that of Sir Augustus Paget, at Rome; and Her Majesty's Government have every reason to believe that the Italian Government have acted with promptitude in doing their best to bring to justice the perpetrators of this very atrocious crime. Soon after the murder the gardener in Mr. Hinde's service was arrested, as well as his wife and two lads who worked in the garden. The evidence did not justify the detention of the woman or the lads, so they have been released. But a prosecution has been instituted against the gardener, who will be tried, it is expected, in a few days. We have been in communication with the Treasury upon the subject, and it has been arranged that any reasonable sum which may be required to secure the conviction of the guilty parties above what the family of Mr. Hinde have contributed shall be paid from the public funds.

CONTAGIOUS DISEASES (ANIMALS) ACT  
—VETERINARY DEPARTMENT OF  
THE PRIVY COUNCIL.—QUESTION.

MR. WILBRAHAM EGERTON asked the Vice President of the Council, Whether he would have any objection to publish in "The Gazette" the weekly returns in each county of all contagious and infectious diseases, except foot and mouth disease, included in "The Contagious Diseases (Animals) Act, 1869;" and, if he could state when the Annual Report of the Veterinary Department of the Privy Council will be ready for publication?

VISCOUNT SANDON: Sir, in compliance with my hon. Friend's suggestions, the Lord President has already directed that the Returns asked for shall be published weekly in *The London Gazette*. The whole of the Report of the Veterinary Department for the year 1874

is in the hands of the printers, the greater part of it has been revised, and it will be ready for publication shortly.

ENDOWED SCHOOLS COMMISSIONERS  
—THE EXETER ENDOWED SCHOOLS  
SCHEME.—QUESTION.

SIR EDWARD WATKIN asked the Vice President of the Council, Whether, in reference to the "Exeter Endowed Schools Scheme," it is true that that scheme was signed and approved by Lord Lyttelton and Mr. H. J. Roby, under date 22nd May 1874; and that, after it was so signed and approved, an important addition was made to Clause 72; and, if such addition was so made, if he would explain to the House at what date, on whose suggestion, and with what object was it made?

VISCOUNT SANDON: Sir, I am somewhat troubled by the form of the Question, but I will answer it as satisfactorily as I can. "The Exeter Endowed Schools Scheme" was forwarded to the Committee of Council on Education with the signatures of Lord Lyttelton and Mr. Roby attached to it, as appears in the Parliamentary Paper of the 22nd of May, 1874. Since that time various objections have been made to it, which, under the Act of 1873, the Committee of Council was bound to consider. Some of the changes proposed by the objectors were agreed to by the Committee of Council, and others were rejected, and after a time the scheme was approved by the Lord President of the Council. Under the Act it must lie upon the Table for two months, and during that time it is competent for any Member to move the rejection of the scheme. If such should be the case, I shall be happy on the part of the Government to explain the reasons which led to the changes that have been made in the scheme; but it would not be in accordance with the usage of the Committee of Council for me to state, in answer to a Question, all the details which the hon. Member requests me to mention. I may add that the course pursued in this case with regard to the scheme which has been laid upon the Table is the same one which has been adopted with regard to others.

MR. W. E. FORSTER said, he wished to know whether the scheme which had been laid upon the Table, and to which the names of Lord Lyttelton and Mr. Roby were attached, was the scheme signed by Lord Lyttelton and Mr. Roby, and approved by them?

VISCOUNT SANDON: I think there can be no doubt whatever about that, because the original scheme was published in the locality; and this scheme is different from that, as an alteration has been made in it.

MR. W. E. FORSTER: I am afraid, then, I must ask what that alteration is.

VISCOUNT SANDON: I think, with the indulgence of the House, it is hardly fitting to enter into an argument on the subject now.

MR. W. E. FORSTER: I do not ask my noble Friend for any argument in favour of the alteration; but, inasmuch as it is before the House as a scheme signed by those two gentlemen, and it appears—it may be through some mistake, but, at any rate, it so happens—that the scheme which appears to have been signed by them was really not signed by them. I ask what is the addition to the scheme?

VISCOUNT SANDON: The simplest thing would be to lay the whole scheme on the Table, and that, I think, would be a very desirable thing. The signatures of the Commissioners are attached to this scheme because my right hon. Friend objected last year to the practice of introducing schemes without the names of the Commissioners being attached to them.

MR. W. E. FORSTER: I am sorry to detain the House, but my objection was that the Commissioners should be made to appear as attaching their signatures to a portion of the scheme which they did not sign.

VISCOUNT SANDON: The simplest plan will be to lay upon the Table the alteration which has been made. There is no mystery whatever about it.

MR. NEWDEGATE: I wish to ask the noble Viscount whether the Education Department have not under the Act of 1873 power to alter a scheme after it has been proposed by the Commissioners who are now superseded?

MR. HORSMAN: What my right hon. Friend wishes to know, I presume, is whether the signature of the Commissioners is appended to that part of the

scheme which has been altered since they signed it originally.

VISCOUNT SANDON: There is no doubt whatever that the Committee of Council has power to alter a scheme under the circumstances to which my hon. Friend refers. With regard to the question of the right hon. Gentleman, I think the simplest thing will be to lay the scheme, with the alterations, on the Table, so that the House may be in a position to understand the matter fully.

MR. W. E. FORSTER said, that the words attached to the scheme were—"We hereby signify our approval of the scheme.—(Signed) LYTTLTON and J. H. ROBY." It was stated that it was signed by the Commissioners on the 22nd of May, 1875, but long before that date they had ceased to be Commissioners. He asked the noble Lord if, under all the circumstances, it would not be the best course to withdraw the scheme and to place a fresh one before the House?

VISCOUNT SANDON said, the date given must be a clerical error. He would make inquiry of the Charity Commissioners.

MR. W. E. FORSTER gave Notice that he would take an early opportunity of asking the Speaker whether the circumstances did not require a new scheme?

#### ARMY — KNIGHTSBRIDGE BARRACKS.

##### QUESTION.

CAPTAIN HOME asked the Secretary of State for War, If his attention has been directed to a report in "The Times" of June 21st, of a Deputation to the First Commissioner of Works respecting "the discreditable condition of the Kensington Road," attributed by certain residents in that neighbourhood to "the existence of the Knightsbridge Barracks and their natural associations;" and, whether he is in possession of any information proving the truth or untruth of this and other similar statements which have been recently made reflecting on the character and conduct of the three regiments of Household Cavalry while quartered in Hyde Park?

MR. GATHORNE HARDY, in reply, said, that his attention had been very much directed to this subject, since the deputation referred to. First of all he



received a letter from the clergyman at Windsor who had care of the Household Troops, and who was indignant at the charge made against them, as he knew them to be incapable of the conduct attributed to them. He had likewise received many communications on the subject from the commanding officers, the police, and others, and it was universally stated that the conduct of the Household Cavalry at the Knightsbridge Barracks was altogether unexceptionable. No complaints had been made about them by the police or any other persons. Their officers were extremely strict, and they did not frequent any bad house at all. They did not go to houses in the immediate neighbourhood, which he was afraid were kept up by customers of a totally different kind. No complaints on military grounds had been made to the Commander-in-Chief respecting these soldiers, nor was there any foundation for the assertion that they were the cause of any discreditable associations in the neighbourhood of Kensington Gore. His noble Friend the First Commissioner of Works desired him to repudiate in the strongest language the idea that he said anything injurious to the character of the soldiers in these barracks. As to the Cavalry in the Regent's Park Barracks, no complaint had been made of them and no complaint had been made respecting the conduct of the Cavalry in the streets of Windsor. Therefore, he thought the House would agree with him that the officers and soldiers had good reason to feel aggrieved at having imputations cast upon them which they in no way deserved.

#### THE QUEEN v. CASTRO.—QUESTION.

MR. WHALLEY asked the Secretary of State for the Home Department, with reference to letters addressed to him soliciting the return to the senders of various original documents purporting to show that the convict Castro is Roger Tichborne, Whether he will be good enough to state why such letters are not acknowledged or replied to; and, what are the objections, if any, to return such documents to the senders, seeing that the Right honourable gentleman has declared it to be his intention not to take any action thereon, or allow them to be published or inspected by Members of this House?

*Mr. Gathorne Hardy*

MR. ASSHETON CROSS: I am afraid, Sir, I have already given an answer to that Question more than once—namely, that it is the invariable practice of the Home Office that documents sent there have to be registered and then become public property, and are never returned to the persons sending them.

MR. WHALLEY said, he was not aware that the right hon. Gentleman had answered the Question before. What he would ask the right hon. Gentleman was, whether he still persisted in refusing permission to inspect those documents? ["Order."]

MR. SPEAKER: I must point out to the hon. Member that the Question having been put and answered cannot be put a second time.

#### ARMY—SHORT SERVICE.—QUESTION.

SIR GEORGE CAMPBELL asked the Secretary of State for War, If he is in a position to state the general nature of the arrangement to render the system of short service in the Army compatible with the conditions of service in India?

MR. GATHORNE HARDY, in reply, said, that he had not yet come to any conclusion on the subject, but that he proposed to confer with the India Office with a view to placing the matter on a more satisfactory footing.

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### ELEMENTARY SCHOOL TEACHERS.

##### RESOLUTION.

MR. WHITWELL rose to move—

"That the case of the Teachers now serving in inspected Elementary Schools in England and Wales, and who were employed as recognised Teachers under Government inspection from the 21st December 1846, to the 6th of August 1851, and of those who were so employed from the latter date to the issue of the Revised Code in 1861, claims the consideration of the House of Commons, not only with regard to the Teachers themselves, but also in the interests of education."

In bringing the subject before the House he admitted that the Government had taken it into careful consideration, and had made some improvements in the position of the teachers to which his Motion referred. But there were still



some points to which he thought the attention of the noble Lord (Viscount Sandon) might be usefully directed. According to the Minute which had been placed in the hands of Members that morning various changes were being introduced that would impose on the teachers serious restrictions. One had reference to the number of years during which a teacher must have been engaged in an elementary school to entitle him to participate in the advantages of the Minute; whilst another excluded from consideration the claims of teachers whose salary had for seven years been £120 per annum. He trusted that such alterations would be made as would entitle these persons to have their claims for pensions considered. All that he wanted was that teachers who were fairly entitled from length of service should have their claims to pensions considered in competition with those of others. There were many teachers with salaries just above £120 per annum who would wish to retire from age and ill-health, and the managers of the schools were ready to supplement their pensions if the Government would only grant them £20 a-year each.

MR. FORSYTH said, he was extremely glad to find from a Paper on the Table that the Government had done nearly all that was desired. He joined in asking the Vice President of the Council to re-consider that part of the new Minute which limited pensions to those male teachers whose salaries did not amount to £120 per annum, and female teachers whose salaries did not exceed £60 per annum. He suggested that every case should be taken upon its merits, and that a hard-and-fast line should not be drawn.

MR. W. E. FORSTER said, he was glad to receive the new Minute that morning, because it was one that the late Government would have issued if they had remained in office. The Select Committee who considered this subject came to the conclusion that these teachers had no legal claim, but that it was one deserving of consideration. Since then fresh evidence had come out; strong speeches were made in both Houses of Parliament at the time the original Minutes were passed, and it was impossible to read them without feeling that the teachers might fairly have inferred there was an expectation

that pensions would be granted. A small pension might meet the justice of the case in many hard and deserving instances. He supported the appeal of the hon. Members for Kendal and Marylebone that the Vice President would not fetter himself by the restrictions laid down in this Minute, and feel that by the letter of the Minute he was precluded by a technical difficulty from meeting deserving cases.

MR. PEASE thanked the noble Lord the Vice President for doing this substantial act of justice. If these persons had not a legal claim, they certainly had a strong moral claim on the Government.

MR. HOLT, while expressing his satisfaction at the course taken by the Government, thought that the Minute on the subject was somewhat too restricted, and might be extended with advantage.

#### PHYSICAL EDUCATION.

##### OBSERVATIONS.

MR. BUTLER - JOHNSTONE, in rising to call the attention of the House to the desirability of introducing physical education in the Public Elementary Schools of the country, said:—Sir, I wish to call the attention of the House to the desirability of dealing with the subject in the manner indicated by my Notice, and to say that I think it is time that something of the sort were done. When the education of the people of this country was first seriously undertaken, so many difficulties—social, religious, and financial difficulties—confronted its first promoters, that it was not to be expected that they should burden themselves with more than they could manage, and they wisely confined their attention to the inculcation of reading, writing, and arithmetic. But these early difficulties are now happily surmounted, and universal compulsory education is fairly established in the country. The time seems therefore arrived when we may ask ourselves whether something essential has not been omitted, and if we think that it has, then with as much speed and as small a cost as possible, to endeavour to repair the omission. Now, taking all the wants of the people of this country into consideration, I think it may fairly be maintained that physical education is at least as necessary as intellectual edu-

cation; in some respects more. In all these cases where physical power is impaired by disease and neglect, and by ignorance of the elementary rules of hygiene, some knowledge, some elementary knowledge of these laws, with practical rules deduced from these laws, is at least as necessary as reading, writing, and arithmetic. But I do not wish to put physical education into competition with these subjects; it is not a rival but an auxiliary, and if rightly understood, and rightly and wisely applied, a very valuable auxiliary. Now, no one can have studied the statistics which I am about to lay before the House without being convinced that all is not satisfactory in the *physique* of the people of the country. Side by side with great stamina and splendid physical development, we find the following facts:—Out of 1,000 recruits, on an average of four years, 408 are rejected for imperfect physical development. Out of 5,500 boys applying for service in the Navy, a good deal more than one-half are rejected on the same grounds; out of 530 men applying for railway employment 290 are rejected—92 for insufficient breadth of chest—in a metropolitan suburban workhouse visited by an eminent London physician, 23 per cent of the children under 15 were found suffering from chronic diseases. In several ragged schools visited by the same gentleman, 50 per cent of the children are found affected with deformation of the spine, chest complaints, and strumous diseases. And a large manufacturer in Nelson Street, Liverpool, says it is a piteous sight to see the little girls with crooked spines and awry necks who come to his counter for payment on Saturday nights. Most people will agree that there is an eloquence of a melancholy sort in these statistics, and if we can do anything to remedy the evil complained of, it is our duty to make the attempt. It is scarcely necessary to dwell on the advantages which would result to the country from improving the *physique* of the population. Increased physical power means increased value of productive work; a decrease in depravity and disease means a decrease in poor rates and police rates, for ill-health and disease are too often causes of misery, poverty, and crime. But it is so obvious that the sum total of the happiness and well-being of the community would be

augmented if disease, mortality, and depravity were diminished, that it seems like an insult to people's understandings to dwell on these obvious advantages, and I prefer asking the attention of the House to the question of the practicability of attaining these desirable results. Now what is physical education? Unfortunately gymnastics, drill, athletics, and what goes in genteel girls' schools by the ambitious title of calisthenics, are too often jumbled up in people's minds under the common appellation of physical education, and when one talks of introducing physical education into boys' schools, the drill sergeant rises up before men's eyes as the embodied emblem of physical education. Now no one, Sir, has a greater respect than I have for the drill sergeant. He is a great, a useful, and even a solemn institution. I should like to see every able-bodied man in England pass through his reforming hands. But that is another and a totally different question from the one which I am discussing. You only degrade physical education, and defeat the very object which you wish to attain of preparing the whole male population for military service, by calling in prematurely the aid of the drill sergeant, in the case of children who require a whole course of preparatory training in order to make them of the best use in the drill sergeant's hands. You must work your cotton into yarn before it can be woven into cloth. By physical education I distinctly mean the inculcation of some sound, though elementary, principles of hygiene, combined with the practice of simple, though scientifically devised, exercises founded on sound physiological and anatomical principles. Now these two things ought to go together. Sound theory and wholesome practice are here, as in everything else, closely connected together. With reference to the first branch I hardly think its utility will be contested. Among otherwise well-educated people such unfortunate ignorance on the subject of hygiene prevails that we cannot be surprised if in the masses of the people the grossest and most unfortunate delusions on the subject are rife. It is all very well passing Public Health Bills, Pollution of Rivers Bills, and Food and Drugs Bills—an antecedent condition to the utility of all such measures is that their machinery should

be loyally and willingly worked by people possessed of the conviction of their value and utility. Now the value of fresh air, pure water, and wholesome food, is scarcely appreciated at all by the great majority of the people, and until you have opened their eyes, your labour will be more or less thrown away. With reference to the second branch of my definition, I think I can best illustrate my meaning by referring to what other nations have done on the subject. The lead in these matters has undoubtedly been taken by Sweden, and that owing to the genius of a man who was neither a politician nor a drill sergeant, but a poet and a patriot—I mean the great Ling. Ling's idea was a patriotic idea; he wished to raise the small population of his native country, by the physical training of each individual Swede, into a position to resist the encroachments of its dangerous neighbours, at that time seriously menacing its independence and very existence. With this view, he invented a thoroughly rational system of gymnastics, founded on physiological, anatomical, and mechanical laws, and which he divided into educational, military, medical, and athletic gymnastics. In 1813 he induced the Swedish Government to establish a large central institution at Stockholm for the training of teachers, who, after they had pursued a theoretical and practical course of instruction, and had passed an examination, were diffused throughout the different schools of the country; and there can be no doubt that much of the fine physical appearance of the population of Sweden is owing to this widely diffused early physical training. In 1845, the Prussian Government sent a Major Rothstein into Sweden to report about another matter, and he was so much impressed with this Swedish system of gymnastics that, on his return, he persuaded the Prussian Government to adopt it, and now not only throughout Prussia, but throughout the whole of Germany, and notably in Württemberg and Saxony, the system is adopted, and central institutions for the training of teachers are established at Berlin, Stuttgart, Dresden, and other places. Italy, too, has not been backward, and has paid particular attention to an important branch of the subject—namely, the physical training of the girls. Hungary, too, in consequence of the initiative of the

late able Minister of Education, Baron Ottoos, has made physical training compulsory in all her schools. Russia, too, after having long adopted physical training in her military and naval academies, has now instituted it for all the primary and secondary schools of the country. I have mentioned the case of Saxony. I wish now to call the particular attention of the House to the case of Saxony. Saxony is a manufacturing country, and here, as in the manufacturing districts of Prussia, it was found that there was such a deterioration of *physique* that the numbers in the conscription lists did not keep pace with the increase of the population. But since physical education has been made compulsory this falling off has been arrested and no more complaints have been heard. I think this fact is well worthy of the consideration of a manufacturing people like ourselves. Indeed, go into the manufacturing districts and what do we see? Little children whose quick brains and stunted frames seem to require rather physical than intellectual fostering, and where physical education ought scarcely to hold a secondary place in any wise system of education. Now contrast what has been done by other nations with what we have been doing in this respect. Except a few unscientific attempts at drill, absolutely nothing has been done for the physical education of the people of this country. One reason of this undoubtedly is that in no country in the world is so much done in the way of athletics and outdoor sports as is done in England. But I would call the attention of the House to this fact—that it is not among the classes who habitually practice athletic sports that I am especially advocating the introduction of physical education. There are our public schools, our higher and middle-class schools, the Universities and Colleges of the country. But where are the athletic sports in the crowded alleys of our large towns? It is no answer to the complaint that large classes are deprived of the advantages of physical exercises to say that other classes are devoted to those exercises! The fact is England is a nation of contrasts. Side by side with vast accumulations of wealth there are ugly patches of misery and wretchedness. Side by side with splendid physical development there is no physical education at all. It is to



remedy this state of things, to raise the physical level of the whole population, that I am advocating to-day the cause of physical education in the schools of the country. Before I sit down I wish to call the particular attention of the House to an experiment on a small scale, of this very thing which I am advocating, which has been tried through the public spirit of an eminent London physician, Dr. Roth, of Wimpole Street, who has devoted so much attention to this subject, and with remarkably successful results. Dr. Roth instructed gratuitously a number of female teachers who had been sent to him by the Educational Union and other societies, by giving them lectures and teaching them Ling's free educational exercises; and after a course of a few months they were enabled to instruct their schools in what they had learnt; and at the present moment some 400 or 500 girls are receiving physical training through this public spirited movement on the part of Dr. Roth, and what is important to note is that these teachers write to Dr. Roth and tell him that they find their efficiency as teachers in other respects decidedly increased by the physical training which they are able to give their pupils. Now, Sir, it had once been my intention to move for a Royal Commission to consider the whole subject—the necessity for the introduction of physical education and the best means of introducing it—but I am so convinced that a cause like this can only be advanced by the Government taking the initiative in the matter, that I should be only too glad to leave it in their hands, to see if they cannot further the cause of physical education in the schools of England.

ELEMENTARY EDUCATION ACT (1870)  
—COMPULSORY ATTENDANCE—CASE  
OF MRS. MARKS.—RESOLUTION.

LORD ESLINGTON, in rising to call attention to the case of Mrs. Marks, as reported in "The Times" of the 4th day of May, and to move—

"That, in the opinion of this House, the cordial co-operation of School Boards and Boards of Guardians within their respective districts is essential to the just and beneficial exercise of the powers conferred upon School Boards of enforcing attendance at school upon children of the labouring poor,"

said, in bringing this subject before the

House he had not come down to run a-muck against school boards, or to blame school-board officials; the circumstances of which he was about to complain arose out of the execution of the laws. He had to point out a distinct grievance which required a remedy at the hands of the House, and he should suggest a remedy which he thought at once simple, reasonable, and efficacious. The case of Mrs. Marks occurred in the City Division of the London School Board. Her husband had been in the employment of a respectable person at the East End of London for 12 years. At the end of that time he was seized with paralysis. For six months she maintained him and three children by her labour. In November last he got worse, became a hopeless lunatic, and was transferred to a lunatic asylum at Stoke. Mrs. Marks was soon afterwards confined of twins; one of them died, and the other required the greatest care to rear. The eldest of her children was a girl of about 11 years. Mrs. Marks got 5s. a-week and four loaves from the parish. The rent of her room was 3s. 3d. per week. Her baby was ordered a large allowance of milk as necessary to life, and it cost weekly 4s. 4½d. The school fee was 4d. per week. That made 8s. in outgoings from the small earnings of Mrs. Marks. To support herself and children she had to work hard all day from 8 in the morning till 8 o'clock at night, her eldest daughter remaining at home to attend to the delicate infant. In April last the school-board officer called at the house. Mrs. Marks was not at home; the officer said to the girl—"You little beggar, you are getting your mother into fine trouble. I have just seen the relieving officer. Your relief will be stopped, and you will all be turned over to the workhouse." This case was not an isolated one, but only a specimen of several cases. One of these cases he would mention. It was that of the widow of a Frenchman who was for years manager of a white lead manufactory, and resided at Lewis-ham. The man was for seven years before his death afflicted with a disease of the brain, and during that time his wife maintained the whole family, consisting of her husband, herself, and four children. Her sight failing somewhere about the time of her husband's death, the poor woman was driven to washing

*Mr. Butler-Johnstone*

and in-door work in order to save her children and herself from the necessity of going into the workhouse. Her rent was 3s. per week, and the Guardians had been compelled to stop her weekly allowance of 4s. 6d., the law being imperative that no out-door relief should be granted to people who, having children of school age, failed to send them to school. Even zealous educationists would admit the hardship of this case, but would urge that it was one of the incidents of a compulsory system, and could not be avoided. To such people he would say that the imposition of compulsory education, though perfectly legal, was a difficult and delicate matter, and could not be successfully carried out, unless supported by public opinion. Further, he would say that public opinion, high and low, was deeply stirred by occurrences such as this; and if their occurrence had the effect of creating in the minds of the upper classes—between whom and the lowest classes there had always been a feeling of sympathy—a distrust of the compulsory system, how much more likely was that feeling to be deepened in the minds of the poorer classes, who were closely affected by the action of the law, and who, at the present moment, were sullenly and silently submissive to its provisions. He therefore asked the House seriously to consider whether it was not possible to provide a remedy for this state of things. The law provided as a condition of the granting of out-door relief to parents that all children between 5 and 13 should receive elementary education in reading, writing, and arithmetic, and it also provided that the Guardians should give such further relief, if any, as might be necessary for such purpose. What he would suggest, therefore, was that, if necessary, the law should be so altered as to enable the Guardians to make grants sufficient to free the parents' labour and to enable them to provide substitutes, in the performance of household and such-like duties, for the children whom the law carried away from their homes. The cost of doing this might seem to be large; but, as education was in time to extinguish pauperism, he could not help thinking it would be money well expended. The school boards themselves were in difficulty on this point. Mr. Francis Peek—a distinguished member of the London School

Board, and a relative of an hon. Member of that House—had stated that, being elected to administer a law which said that attendance must be compulsory, the school boards felt themselves in great difficulty when cases such as the present arose. The law was frequently broken in such cases; but it was not a proper or satisfactory position for boards to be placed in. In the Act of 1870 certain exceptions were admitted—namely, where children were prevented by sickness or any other unavoidable cause of absence, that should be deemed a reasonable excuse for not attending school. Why should not a school board be invested with the discretion to say that the nursing of an infant sister or brother was an unavoidable cause? This would meet many cases; and an alternative suggestion which would meet others was, that the Guardians should have the power of giving in relief, in addition to the school pence, a sum sufficient to enable the parent to send an infant to a temporary home. That would be an investment bearing high and valuable interest. He implored the House to consider this matter for the sake of reconciling the working classes to compulsory education; for if these cases of hardship continued to occur, we should raise an opposition which it would be difficult to cope with. When the Act first came into operation such cases did not occur, but when the officers of the school boards began to sweep up the waifs and strays they arose in great numbers, and the longer a system of this kind continued the tendency increased on the part of the officers to perform their duty in a perfunctory manner, and sweep in those waifs and strays rather in a peremptory manner, thereby augmenting the popular indignation in the courts and alleys of our great cities. In reply to a Question put by him on the 6th of May, the Vice President of the Department (Viscount Sandon) said that all children between the ages of 10 and 13 were obliged to attend school 10 hours a-week; but the London by-law required their attendance for as many hours as school was open; and he would suggest, as an alternative, that only five attendances of two hours each in the week should be required in exceptional cases, and that, if necessary, at a "night school." The noble Lord concluded by moving his Resolution.



MR. SANDFORD seconded the Resolution, and mentioned that the Board of Guardians of Maldon had been applied to in several instances by able-bodied men for relief, in consequence of some of their children being deprived of employment through the operation of the Act of 1872. When the Local Government Board were communicated with on the subject, they replied that they considered that out-door relief when given while a man continued in employment would be relief in aid of wages, and that the proper course for Guardians to adopt in such cases would be to offer admission into the workhouse for the man and his family. He should like to know whether the moral and social progress of the population would be best promoted by having a few children less at school, or having the whole of the remainder of the family in a workhouse? A recent Return of the expenditure of the Metropolitan Board abundantly established the charges of extravagance that were made against it. Architects on the staff were paid both by fees and commissions; pupil-teachers were paid almost double what they used to receive; the salaries of teachers were better than those of curates; and there was a large staff of "visitors," who ought to be designated spies and informers. The character of the education given to pauper children by these school boards, which, as he understood, were appointed only to supplement the education of the country, would surprise many hon. Gentlemen. They were to be taught reading, writing, and arithmetic, the history of England, geography, elementary drawing, music, domestic economy, algebra, and geometry. He did not think it was ever intended by the Legislature that pauper children should receive such a high-class education. He had heard of a school in Mayfair where a girl had been taken from her needlework to attend to a drawing class. Of what possible use could a knowledge of drawing be to young women intended for domestic service—except to enable them to caricature their mistresses—especially as it appeared that needlework was a branch of education in which these girls were particularly deficient, and which it was especially desirable they should be taught? Our Colonies were calling upon us to give them labourers and not clerks, and he protested against the miserable

gentility inculcated upon those who were taught that it was disgraceful to work with their hands, and who were ashamed of the horny hands of manual industry. It was the sure sign of the decay of a country when its people looked down upon useful manual labour, and the sort of education he had described was certainly not that which ought to be carried out by compulsion. As to the compulsory part of the measure, it appeared to be carried to excess. Last week a poor woman named Turner was summoned by an officer of the Board for not sending her children to school. She pleaded that she had a child suffering from fever, and that the other child was kept at home to mind it. She was fined 3s., with the option of going to prison for three days. She had to go to prison. This woman was a widow, and in great distress, and what would have been her condition if the people of the house had not during her absence looked after her children? In his humble opinion, the forms of the notices given by the School Board were absolutely illegal. These notices were to the following effect:—

"Take notice that you have been guilty of a breach of the law in that you have neglected to send your child to an efficient school, whereby you have rendered yourself liable to be apprehended and brought before a magistrate."

A child might be receiving efficient instruction at home from its parents, in which case the latter would certainly not be liable to proceedings. During the last year the parents of not less than 78,000 had been harassed by these notices, of whom 6,016 had been summoned and 4,000 fined. Some of the persons summoned before a police magistrate had declared that it was their intention to expatriate themselves, and to seek a country in which such laws did not exist. He sympathized with such views; for, if they searched the statute book they would find no legislation couched in a spirit so offensive and un-English as this Education Act. Of all the despotisms and tyrannies with which men could be afflicted, there was no tyranny so oppressive, and no despotism so intolerable, as the despotism of the pedant and the tyranny of the prig.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words



"in the opinion of this House, the cordial co-operation of School Boards and Boards of Guardians within their respective districts is essential to the just and beneficial exercise of the powers conferred upon School Boards of enforcing attendance at school upon children of the labouring poor;"—(*Lord Eslington*),

—instead thereof.

MR. EVANS said, that in the days of Dr. Johnson, whom the hon. Member who had just sat down might probably regard as a pedant, the fears which he held as to the spread of education were much more common. When it was said in Dr. Johnson's presence that if children were taught they would become unfit for the duties of common life, Dr. Johnson replied that if a very few were educated they would be vain of their accomplishments. If a very few persons, he said, wore laced waistcoats, they would be vain of the distinction, but if everybody wore laced waistcoats a person ceased to be proud of it; and he argued that, in the same way, if all were educated, none would be ashamed of being engaged in menial occupations. Having been chairman of a school board for more than four years, he could bear testimony to the fact that cases like those referred to by the noble Lord (*Lord Eslington*) were among the most painful that came before them. It was not a question of school fees, because the school board had the power to deal with that, but it was a question affecting the earnings of the children. A woman might be left a widow, or might be deserted by her husband. If she had a family she found it convenient to keep one at home, or a child might be earning wages, and if they were stopped the whole family might have to go into the workhouse. He should be most thankful if some plan could be found by which these cases might be met. There was no doubt that the Boards of Guardians knew more of the real circumstances of the poor than the school boards, and it was very desirable that there should be a good understanding, if not some co-operation between them and the school boards. It was most desirable that these cases of hardships should not be multiplied. Among the poorest class of the population the sending of their children to school, especially on compulsion, was very distasteful, and every case of this kind tended to increase the opposition which unfortunately existed. If these

cases could be met a great benefit would be conferred upon the country, and the cause of education, which everybody wished to see promoted, except perhaps the hon. Member for Maldon (*Mr. Sandford*), would be greatly benefited.

MR. A. MILLS agreed with the hon. Member who had just spoken in the advantage of the fullest co-operation between school boards and Boards of Guardians. It was said that a medical officer of the Poor Law would not without a fee give a certificate that a child was unable to attend school. He thought the medical officer of the Poor Law ought to be instructed to give certificates of that sort, or that the school boards should pay medical officers to do so. With regard to the harshness which had been imputed to the London School Board in connection with this matter, he thought account had not been taken of the great difficulties which the Board experienced in carrying out compulsory by-laws. He believed that gross injustice would be done by enforcing the by-laws in the case, for instance, of a child who was kept at home to "mind baby," and whose parent could not afford to pay a person to do that work. In some cases the difficulty as to attendance at school was got over by an employer making arrangements by which a child in his employment could attend school in the evening. He (*Mr. A. Mills*) believed he had acted rightly in sanctioning such arrangements. With some persons it was necessary to deal gently, and with others firmly. A woman who had a large number of children, and allowed them to run about the streets instead of sending them to school, was called before the Board, and asked to account for her conduct. She said, in a very impudent tone—"I don't look to you for sympathy; I look to a higher power." While we were not to deal harshly, if the compulsory power were withdrawn, it would be impossible to carry out the system. He believed the Earl of Shaftesbury was mistaken in saying that the members of school boards were quite indifferent to the hardships which a too strict administration of the law would inflict on parents.

MR. W. E. FORSTER, having introduced the two Acts which had been referred to, wished to state what was his meaning and the meaning of the late Government in pressing those measures

upon the House. Before he did so he would make a remark upon an observation of the hon. Gentleman who had just sat down. The House must not suppose that in proposing an Education Bill giving a power to compel the attendance of children at school the late Government were not thoroughly conscious of the difficulty and danger of that undertaking. It would have been more difficult and more dangerous if they had not felt confident that that measure would be administered in the country with wisdom and justice. He believed that generally throughout the country the school boards had shown remarkable discretion, great industry, and sympathy with the poor in the way in which they had put into operation the two Acts in question. He was convinced that the school boards had acted with care and judgment; for if they had not done so, we should have a state of things very different from what existed. When cases of individual hardship were examined it was found that they did not always bear out the impression which was at first formed. For example, in the case of Mrs. Marks it was at first believed that she was forced to become a pauper in consequence of her child going to school, but it turned out that she had previously been in receipt of relief; and he should be very glad if hon. Members, before they took for granted that a great hardship had been inflicted, would thoroughly satisfy themselves of all the particulars of the case. It might have been expected to be a most unpopular act to interfere between the parent and his child; but, as a matter of fact, public opinion in every town in which there were compulsory by-laws was in favour of maintaining these laws. And that proved that there were not many cases of injustice and oppression in the carrying out of these Acts. He was not afraid of stating that fact, and of challenging any one in that House to contradict it. In reply to the remarks of his noble Friend, who thought that the Act of 1873 limited the power of the Guardians to give such relief as would enable a parent to send a child to school, he might state that when he framed that Act he was informed on the best authority that the Guardians were bound by the present law to give relief when there was a real want; and, consequently, if

the parents were put in a position of losing in such a way that they ought to have relief the Guardians were bound to give it. It was because he was thoroughly satisfied on this point that he did not think it necessary to insert any provision in the Bill in regard to it. Cases might, indeed, arise in which a man was not a pauper, but who just managed to get on, and who would be compelled to apply for relief if he lost the wages of one or two of his children. Here, however, the question raised was not merely between the education of the child and the relief of the parent, but it was the other very important question between in-door and out-door relief; and there was a strong feeling that it was very dangerous to encourage out-door relief to able-bodied men. If he were disposed to offer any advice to the Government, it would be that they ought to deal in these cases as leniently as possible, and stretch a point in favour of out-door relief. In any event it was desirable that the children should be educated and not be left without any chance in life at all; but the parent ought not to suffer in consequence by being sent to the workhouse; and therefore he should be glad if such cases could be settled without too strict an attention to the arguments in favour of in-door as against out-door relief. He did not think that there was much objection to the terms of the noble Lord's Resolution; but he hoped that it would not be pressed on the attention of the Government, as it implied a censure on the Department. He thought that more intimate communication was required between the Education Department and the Local Government Board, with a view to their more harmonious action. His noble Friend was wrong in supposing that school boards did not already possess the power of abstaining from prosecuting when they knew the absence of a child from school was due to illness or other unavoidable cause. There was one point on which he thought the Local Government Board went too far. A letter had been sent to them asking whether they would consider that the temporary severe illness of a parent was such a case as might excuse a child from attending school. He thought it was rather a hasty reply on the part of the Board, when they answered that they did not think so. In the case of a permanent

illness it would of course be different, for there they had to choose between the whole future of the child and the parents' need. He regretted the tone of the remarks of the hon. Member for Maldon (Mr. Sandford). As to the complaint about the salaries given to teachers, he might observe that any attempt to lower them must result in inefficient education and the waste of the public money. For his own part, he rejoiced to find that the salaries of the teachers were rising throughout the country. There never was any expenditure more likely to benefit the working classes than that which would procure an abler and better paid body of teachers for their children. The hon. Gentleman seemed to think the head masters of our largest schools only had the salaries of curates; but he might have compared them to the income of Bishops. At the close of his speech the hon. Gentleman sympathized with those who said they would expatriate themselves rather than submit to a law which compelled parents to educate their children. He thought, on the other hand, that a great many persons would be glad to banish themselves from the country some years hence if in the meantime the children were not properly educated.

VISCOUNT SANDON said, he wished, with reference to the pensions, to express his great satisfaction at the way in which Her Majesty's Government had been treated. They felt decidedly that the teachers had no positive claim to pensions; but after the debates of 1846, when the Leaders of the different parties spoke strongly on the subject, and considering the language that was held afterwards, it was felt that the teachers had a moral claim which it would be unwise for any Government to disregard. He would briefly explain why the Government adopted the scale of pensions—£6,500 a-year—laid down in 1851. The circumstance had hitherto been overlooked that the noble Lord who was President of the Council in 1851 was the late Lord Lansdowne, who in that year put the interpretation on the Minute he had himself issued in 1846. The teachers might, therefore, regard that interpretation as the proper one. The points raised by his hon. Friend the Member for Kendal (Mr. Whitwell) would be treated with very respectful consideration by the Government, although at present he was unable to give

any pledge on the subject. He might claim for the Government a desire to do what they could to promote physical education in schools. He had every reason to believe that the substitution of military drill in place of the ordinary school drill would be attended with very advantageous results. He declined to give any pledge as to any further steps at present, as the few hours in which the children could be instructed must be spent to their best advantage. He had been asked to discourage the large sites which the London School Board were buying; but he held it was a wise expenditure of public money in a densely-crowded City to provide sufficient playgrounds for the children of the poorer classes. In those playgrounds a good deal of physical education would go on, though, perhaps, not in a cut-and-dried form. As to the remarks of the noble Lord the Member for South Northumberland (Lord Eslington), his own feelings and those of the Government were very much in unison with them respecting the very great difficulty and delicacy of the question of overhauling the poor of London and dragging their children to school. It was, no doubt, a very painful process to drag children from the arms of unwilling parents to school. It was painful also to have to pay these domiciliary visits; and nothing but the gravest necessity—a necessity acknowledged by the people themselves—would justify the placing of such powers in the hands of the school boards. He was convinced, however, that some such powers were necessary in dealing with the population of our large cities and in grappling with the ignorance and the misery of the lowest classes there. Every other means had been tried and every other means had failed. Had his noble Friend (Lord Eslington), who drew so dark a picture, ever thought of the other side of the picture? Had he remembered that in London there was a population something like equal to that of Scotland, that 77,000 notices and 6,000 summonses had been issued, and that 200 visiting officers were at work; and had he reflected how very few complaints comparatively had been made? It was a perfect marvel that there were so few, and the fact spoke volumes for the judgment and discretion of the School Board and its officers in dealing with so varied a population and one so touchy



upon the House. Before he did so he would make a remark upon an observation of the hon. Gentleman who had just sat down. The House must not suppose that in proposing an Education Bill giving a power to compel the attendance of children at school the late Government were not thoroughly conscious of the difficulty and danger of that undertaking. It would have been more difficult and more dangerous if they had not felt confident that that measure would be administered in the country with wisdom and justice. He believed that generally throughout the country the school boards had shown remarkable discretion, great industry, and sympathy with the poor in the way in which they had put into operation the two Acts in question. He was convinced that the school boards had acted with care and judgment; for if they had not done so, we should have a state of things very different from what existed. When cases of individual hardship were examined it was found that they did not always bear out the impression which was at first formed. For example, in the case of Mrs. Marks it was at first believed that she was forced to become a pauper in consequence of her child going to school, but it turned out that she had previously been in receipt of relief; and he should be very glad if hon. Members, before they took for granted that a great hardship had been inflicted, would thoroughly satisfy themselves of all the particulars of the case. It might have been expected to be a most unpopular act to interfere between the parent and his child; but, as a matter of fact, public opinion in every town in which there were compulsory by-laws was in favour of maintaining these laws. And that proved that there were not many cases of injustice and oppression in the carrying out of these Acts. He was not afraid of stating that fact, and of challenging any one in that House to contradict it. In reply to the remarks of his noble Friend, who thought that the Act of 1873 limited the power of the Guardians to give such relief as would enable a parent to send a child to school, he might state that when he framed that Act he was informed on the best authority that the Guardians were bound by the present law to give relief when there was a real want; and, consequently, if

the parents were put in a position of losing in such a way that they ought to have relief the Guardians were bound to give it. It was because he was thoroughly satisfied on this point that he did not think it necessary to insert any provision in the Bill in regard to it. Cases might, indeed, arise in which a man was not a pauper, but who just managed to get on, and who would be compelled to apply for relief if he lost the wages of one or two of his children. Here, however, the question raised was not merely between the education of the child and the relief of the parent, but it was the other very important question between in-door and out-door relief; and there was a strong feeling that it was very dangerous to encourage out-door relief to able-bodied men. If he were disposed to offer any advice to the Government, it would be that they ought to deal in these cases as leniently as possible, and stretch a point in favour of out-door relief. In any event it was desirable that the children should be educated and not be left without any chance in life at all; but the parent ought not to suffer in consequence by being sent to the workhouse; and therefore he should be glad if such cases could be settled without too strict an attention to the arguments in favour of in-door as against out-door relief. He did not think that there was much objection to the terms of the noble Lord's Resolution; but he hoped that it would not be pressed on the attention of the Government, as it implied a censure on the Department. He thought that more intimate communication was required between the Education Department and the Local Government Board, with a view to their more harmonious action. His noble Friend was wrong in supposing that school boards did not already possess the power of abstaining from prosecuting when they knew the absence of a child from school was due to illness or other unavoidable cause. There was one point on which he thought the Local Government Board went too far. A letter had been sent to them asking whether they would consider that the temporary severe illness of a parent was such a case as might excuse a child from attending school. He thought it was rather a hasty reply on the part of the Board, when they answered that they did not think so. In the case of a permanent

illness it would of course be different, for there they had to choose between the whole future of the child and the parents' need. He regretted the tone of the remarks of the hon. Member for Maldon (Mr. Sandford). As to the complaint about the salaries given to teachers, he might observe that any attempt to lower them must result in inefficient education and the waste of the public money. For his own part, he rejoiced to find that the salaries of the teachers were rising throughout the country. There never was any expenditure more likely to benefit the working classes than that which would procure an abler and better paid body of teachers for their children. The hon. Gentleman seemed to think the head masters of our largest schools only had the salaries of curates; but he might have compared them to the income of Bishops. At the close of his speech the hon. Gentleman sympathized with those who said they would expatriate themselves rather than submit to a law which compelled parents to educate their children. He thought, on the other hand, that a great many persons would be glad to banish themselves from the country some years hence if in the meantime the children were not properly educated.

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of any interference. He could hardly imagine a more difficult task than that of visiting in all the courts and alleys of London, not backed by any policeman, even in the most horrible of these places; and yet the School Board officers discharged their duties in the most noble manner and with general discretion. As to the remedy proposed, the right hon. Gentleman (Mr. W. E. Forster) had thrown great light on this question, showing that the Guardians had full licence to pay the parent the loss of the child's wages, and he had no doubt that the School Board would give a liberal interpretation to the general law on this subject. It was difficult to say whether the workhouse should be offered as an alternative in such cases; but this was a point more within the province of the President of the Local Government Board than of his own. As to the Resolution of his noble Friend, he hoped it would not be pressed, because the Government would not be justified in accepting a Resolution which seemed to cast a slur upon the action of the school boards and the Boards of Guardians. The Government felt that nothing could be more desirable than that these two bodies should co-operate well together. But the cases showing the want of such co-operation were not yet sufficient to warrant such a censure as his noble Friend proposed. His hon. Friend the Member for Maldon (Mr. Sandford) had taken too strong a view of what was going on in London, and he would ask him to qualify, upon reflection, the somewhat invidious epithets of "spies" and "informers" which he had used towards the officers of the school boards. Then when the hon. Gentleman asked whether the instruction given was suitable for pauper children, he (Viscount Sandon) would point out that the schools were not intended only for pauper children, but for any class of children who were not able or willing to go to other schools. He thought it a very wise expenditure of public money to set up these great buildings, to get as good teachers as possible, and to give the most thorough education they could both in the interests of the children and of the country. This seemed to be a period when public opinion was oscillating rather rapidly in a direction contrary to that from which it had started. Five years ago the Report of the Duke of Newcastle's Commission

had stirred up a strong feeling in favour of education, especially the education of the out-door pauper class. Now, if we did not take care, these children would slip out of our fingers. He hoped Parliament would not, through tenderness for a few exceptional cases of hardship, forget the great object of getting rid of the taint of the pauper class in all our large towns. He was not indifferent to the sufferings of the poor in these cases; but Parliament was bound to hold the balance fairly between the school boards, who had very arduous duties to discharge, and the people with whom they had to deal.

Mr. SCOURFIELD said, that, as one who had always opposed compulsory education, he was rather satisfied with the tone of the debate. He still retained his objections to compulsion, and believed this system was introduced in order to prove that the people who had advocated such an enormous amount of school accommodation should not be false prophets. There were two facts bearing upon this point taken from the last Report of the Committee of Council. School accommodation was provided for 2,861,319 children, while the average attendance was 1,678,759, so that there was an excess of school accommodation for 1,200,000 children above the number actually attending. Another fact was worth remembering. The present Government were pledged, on entering office, to take into consideration the local burdens which had been imposed upon the ratepayers; but not one word upon this point had yet been heard to-night. The course they were now pursuing was calculated to increase those burdens, which were the more severely felt as they were borne by one class of property alone. He once more warned the Government and the House against estranging those who had been the best friends of education. From 1839 to 1874 a sum of above £6,000,000 had been spent on elementary education in this country, of which no less than £4,160,000 had been voluntary contributions. Was it wise, then, to estrange persons who had acted with so much generosity? And as for the Government grants, what were they but grants out of the taxation of the country to which those very persons had contributed? In fact, the country was divided into two classes—those who paid all the expenses, and those who thought



they advanced education by making speeches. That put him in mind of the nigger who said—"Preachee or floggee, but don't do both." So the persons who made speeches buttoned up their pockets and left it to others to pay the money.

MR. HARDCASTLE understood the right hon. Member for Bradford to say that it was better that a family should go into the workhouse than that a child should go without education, and the right hon. Gentleman challenged the House to dispute the assertion. He accepted the challenge, and maintained that it was a much greater evil that a family should be removed to the workhouse than that a child at an early age should go without education. There were numbers of persons who had gone without education at an early age, and who had been able to obtain it later in life. The principle laid down by the right hon. Gentleman was, he believed, an altogether mistaken one, and one against which he ventured to protest.

MR. W. E. FORSTER said, the hon. Member had hardly represented him fairly. What he had said was that he thought it the duty of the Local Government Board to encourage Guardians to stretch the amount of out-door relief in favour of the parents in such cases. As to a whole family being taken into the workhouse in order that one child should receive compulsory education, he thought that such a thing would be perfectly impossible.

LORD ESLINGTON said, that after the discussion which had taken place, and the assurance on the part of the Government that the subject would receive attention, he would not press his Motion.

Question, "That the words proposed to be left out stand part of the Question," put, and agreed to.

#### CASE OF EX-GOVERNOR EYRE.

##### OBSERVATIONS.

MR. HORSMAN, in rising to call attention to the subject of the Pension recently granted to Ex-Governor Eyre and to the grounds on which its amount was determined, said, that there was no question of principle or authority, but only one of technicality involved in this matter. Mr. Eyre was Governor of Jamaica for four years and four months, but before

the close of that period he was suspended for two months; and the question was, whether those two months should be counted in his period of service, so as to entitle him to the full pension which a service of 21 years would entitle him to. He did not bring the question forward as a friend of that gentleman. Three days before he had given Notice on the subject he had never heard of the pension and never seen the face of Ex-Governor Eyre; and nine years ago, when there was much discussion of his case and much excitement in the House and out of it, he took no part in the debates. But some short time ago he was asked by an hon. Member to look into the Papers as an impartial person and give his opinion upon the question. He did so, and came to the conclusion that it was a very hard case. The facts were simply these:—after long service in various quarters and climates, Mr. Eyre was in 1862 appointed Governor of Jamaica. He arrived in Jamaica in the spring of that year, and continued to administer the government without interruption or disturbance until October 1865, when a rebellion broke out. It was suppressed, and a Royal Commission was issued to inquire into the whole facts of the case. The Commission arrived in Jamaica in January, 1866. Mr. Eyre remained in Jamaica six months longer till the Commission had finished their labours; and the question was whether the interval between the arrival of the Commission and the time when they left the island Mr. Eyre's continuance there was a prolongation of his public service? There were three documents which bore on this point, two of them signed by the Secretary of State and the other bearing the Sign Manual of the Sovereign. When the Royal Commission was appointed, Mr. Eyre, the Governor, was informed by the Secretary of State that in order that the inquiry should be effective and satisfactory it was necessary that supreme power, military as well as civil, should be vested in the officer who was to preside over the Commission. Sir Henry Storks did not vacate his appointment as Governor of Malta; his appointment to Jamaica was only temporary. The Royal Commission and the appointment of Sir Henry Storks was no disapproval or censure on the part of the Government. On the contrary, every despatch presented to

Parliament expressed approval and commendation. Mr. Eyre remained at Jamaica under the clear orders of the Secretary of State. Then the question arose in what character did he remain there—as Governor, or in what other capacity? This question was made clear by the second despatch to which he would refer. There was no removal, no displacement. It was a mere temporary suspension, “until We shall think fit to determine these presents.” It implied that when the Commission left the island Mr. Eyre should be re-instated in his government. This was rendered clear by the orders given in Mr. Cardwell’s despatch to Sir Henry Storks relative to the salary of Mr. Eyre. Mr. Eyre was to receive the same salary—£5,000—while he continued in the island, which would have been payable to him if he had continued in the full exercise of his functions. In what capacity was he to be paid his full salary of £5,000 a-year unless as Governor of Jamaica? Mr. Eyre remained under the orders of the Secretary of State on his full salary until he left the island in July following. Mr. Cardwell expected when the inquiry was over Mr. Eyre would be restored to his functions, and no doubt that was the opinion of Sir Henry Storks, for he said to Mr. Eyre—“Whenever the inquiry is over, I make my bow and you resume your place as Governor.” He knew that this question had been well considered by the Government after taking the best advice; but he felt satisfied, if he elicited a general opinion from the House that this was a mere question of construction and technicality, the Government would adopt a more liberal view and relax from the severity of their determination. He believed those of his Friends who expressed the strongest opinions against Mr. Eyre when speaking of his conduct in Jamaica would be the first to repudiate any connection between a great principle and a small legal technicality. He had the strongest conviction that Mr. Charles Buxton and Mr. John Stuart Mill, if they had been alive, would say,—“We impeached Governor Eyre while his acts were fresh in our memory, but we will not follow the individual into retirement; we will not hunt him down in his old age; we will not deprive his children of the substance they had a right to expect; we will not degrade a great question of principle into one of mere personal

spite and parsimonious persecution.” If it were a question whether a pension should be granted or not, he should expect those who disapproved Governor Eyre’s proceedings to say—“We have changed no opinion, we have abandoned no principle, and we will press the question of principle to the last.” But this was not the question: the pension had been granted; any question of principle or policy was closed; and nothing but a legal technicality remained. He did not wish to make any complaint of the Government nor to press them for an immediate answer, but he wished to elicit an expression of opinion favourable to the view he took; and he could not think that this or any Government would desire to act unmercifully in such a case. He thought the Prime Minister would be glad to say,—“We did our duty, but the House has expressed a wish to which we shall gladly pay deference.” Such a course would meet with the sympathy and approval of the country. He had intended to move—

“That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to take into further consideration the Pension recently granted to Ex-Governor Eyre, and the grounds on which its amount was determined;”

but as the previous Motion had been negatived and he could not move another, he hoped that his object would be attained by discussion.

COLONEL NORTH, who would have seconded the Motion if it could have been proposed, contended that Governor Eyre could not have remained in Jamaica in any other capacity than that of Governor. Governor Eyre had for 21 years shown the greatest ability in the discharge of his duties, and he appealed to the Government, as an act of justice to a distinguished public servant, to reconsider the matter and grant to Governor Eyre the full amount of pension to which he was entitled.

MR. J. LOWTHER said, he would explain the reasons why it would have been impossible for the Government to assent to the Motion if it could have been made, and why they could not comply with the request made by the right hon. Gentleman (Mr. Horsman). The right hon. Gentleman had stated the circumstances of the case correctly, and he could assure him that the Go-

vernment did not arrive at their decision without full consideration and without consultation with those to whom they had to look for advice in the interpretation of the law. Mr. Eyre served for a period two months and a-half short of that which would have entitled him to claim a pension of the first-class under the Colonial Governors Pensions Act; and that being so, when the application was sent in for a pension it was considered, like all other similar applications, by reference to the Act of Parliament. As differences of opinion arose on the consideration of the case, it was referred to the Law Officers of the Crown; and their opinion was that the six months Mr. Eyre served in Jamaica after the arrival of the Royal Commission did not come within the terms of the Pension Act. It was true Mr. Eyre remained those six months under the orders of the Secretary of State; but anyone who referred to the provisions of the Act of Parliament would see that Governor Eyre was not, according to the terms of the Act, during that time administering the government of the Colony. The right hon. Gentleman had asked whether the Government had not decided the question by a legal technicality—a legal construction of the Act. Certainly they had, but was not the law entirely composed of legal technicalities? and it was the opinion of the Government that they were bound by the literal construction of the Act, as would have been the humblest of Her Majesty's subjects. He confessed it was a subject of sincere regret to the Secretary of State for the Colonies to have to arrive at a decision which might appear to involve hardship to a public servant. It would always be the wish of the present Secretary of State, as it would be that of anyone who held his place, to carry out the law with all tenderness as regarded private interests; but it was not in the power of any Minister of the Crown to override the construction of an Act of Parliament, and in the opinion of the Law Officers of the Crown he was bound by the provisions of the Act to arrive at the determination which had been announced. In coming to it no reference was had to any particular incident in the career of Mr. Eyre. Throughout the whole inquiry, which lasted a considerable time, and which it was necessary to make with the view of determining

the amount of the pension to which Mr. Eyre was entitled, no weight was given by his noble Friend to any single circumstance arising out of the affairs of Jamaica. It was his noble Friend's opinion that Mr. Eyre, like any public servant who had been removed, still remained eligible for re-employment, and was entitled to such pension as he had earned by service. He hoped the House would consider that he had given reasons why it was utterly impossible for the Government to accede to the request made by the right hon. Gentleman. If the Motion could have been proposed it would have been his duty, on the part of the Government, to object to the question being raised in that form; for, by the terms of the Motion, an Address to Her Majesty was to be used as a means of overriding the express terms of an Act of Parliament. Perhaps the right hon. Gentleman did not, in his speech, go so far; but the terms of the Notice involved that conclusion, and the right hon. Gentleman would see it was quite impossible to deal separately with any case in that way.

MR. GREENE said, the case of Governor Eyre would be no encouragement to public servants, when they found they were liable to lose their well-earned pensions because they were deficient in time a few months. If the right hon. Gentleman could have gone to a division he would have been in a majority, and justice would have been done to a man who had so long and faithfully served his country.

MR. FAWCETT said, the Government had been, to a certain extent, censured by one of their own supporters. He wished to remark that he believed that he expressed the opinion of many in that House when he said that he entirely approved of the course taken by the Government and their approval of the temperate and moderate speech of the Under Secretary for the Colonies. His speech was characterized by great discretion, good taste, and sound judgment; and he (Mr. Fawcett) did not wish the debate to close without expressing the approval by himself and others of the course the Government had taken with regard to this question.

MR. M'LAREN said, the right hon. Gentleman who introduced the subject having expressed his belief that if Mr. John Stuart Mill were still in that House



him that that was a result in the education of the country of which they might well be proud. But the Committee must take into account, besides, the number of non-inspected schools, many of them good of their kind, scattered throughout the country, without Government aid, but having been shown by examination to be giving an efficient education. Then there were all the private adventure schools, as to which he would not enter into any controversy on that occasion. He would, however, observe that the whole of them must not be condemned. Some, no doubt, were bad, and some exceedingly bad and grossly unhealthy; but, having had an interview with some gentlemen who were connected with country school boards, he had come to the conclusion that a great number of those schools were sufficiently good and that some were very good, so that several of them might be placed to the credit account in the calculation of the accommodation which we possessed. He wished to say in passing that, in his opinion, any Government would be very rash which should too hastily shut the door against private adventure schools, which, he thought, to a certain extent, formed a safety-valve for compulsion, working its way with considerable difficulty among fanciful parents, parents with sickly children, and others. Although, then, he should be glad to see private adventure schools gradually supplanted by thoroughly efficient schools, he must state it as his deliberate opinion that, in the interests of education, it was necessary that great caution should be observed in dealing with those schools. Having now dealt with the first branch of the apparatus for teaching, school buildings, he came to the teachers, and he was happy to say there was a great increase in the staff. In 1873 there were 16,800 teachers, and in 1874 18,700, being an increase of 1,900. This year he was glad to think the increase would be still more rapid. Then, when he came to look to the supply from below to make up for the waste which was constantly occurring, he found that the pupil-teachers were increasing most rapidly, for while in 1873 their number was only 24,000, it reached, in 1874, to 27,000. To say the truth, the number of pupil-teachers now coming on was so great that it would be necessary to put some little restriction on it, or we should have too

great a crop of teachers as time went on. The number which it was expected would be required was 30,000, and with the training colleges at present in existence, and which were very much up to the mark, the waste which was occurring could easily be supplied. Of still greater importance was the quality of the teachers. It was impossible not to feel some anxiety with regard to pupil-teachers. He heard it said right and left that they had hitherto been somewhat neglected, and he wished to see lads and girls of a superior kind entering the profession. It would be a great advantage, in his opinion, that there should be a large admixture of the lower middle classes in the teaching strength of the country. How that object was to be attained it was difficult to say; but it appeared to him to be, at all events, well worthy of consideration. So far as the Government were concerned, they had taken a step in the direction of a more thorough training of pupil-teachers, by offering a pecuniary inducement to the masters to thoroughly instruct them. The Government had given the masters a grant on the passing of the pupil-teachers under their care. As regarded the teachers the accounts were, he thought, generally speaking, very encouraging. The country had every reason, he believed, to be proud of the army of teachers which it now possessed. They were, it seemed to him, throwing themselves into their work with a zeal which was beyond all praise, while every year was increasing the stock of knowledge which they brought to bear on the education of the children. A very careful watch, however, must be kept on our teachers. They were the key of our whole system, and it became more important every year, when we saw the spread of school board schools, that they should be well looked after, because, as he had said some months ago at a meeting of the London School Board, the great danger of school board schools was, that they might be left entirely in the charge of the master and mistress. He thought, therefore the Committee would agree with him that, unless there was some supervision over the master, there would be something wanting in the conduct of those schools which was supplied in the case of voluntary schools, which were carefully watched over by those who had spent money on them,

and had, perhaps, a keen religious interest in them. The character of the teachers became more and more important every year from the more natural course of events with regard to the school board schools, whereby the teachers must be more and more the masters of the situation in those schools. A third and most important branch of the apparatus of national education was inspection. He was happy to say they had been able to add very largely to their inspecting strength this year. The Treasury had allowed them to add 15 fresh Inspectors in England and 12 Inspectors' Assistants. It was impossible to overrate the importance of having an adequate inspecting staff. They had done what they could to lay down the principle that, if possible, the inspectors should make a second visit in the year to the schools. He knew that was impossible in some cases; but he attached exceeding value to it where it could be done. He thought the first visit should be a mere formal inspection, and the second a visit of encouragement and friendly intercourse with the teachers. He now came to the scholars they had in their schools; for all their educational apparatus was worth very little if they did not get scholars to take advantage of it. In that respect they had much ground for encouragement. The number of children on the books in 1873 was 2,200,000; in 1874 it was 2,500,000, and they might reasonably expect an increase for the coming year of about 300,000. So that the number on the books was rising with great rapidity, and he thought they would not be far wrong in calculating upon having an annual increment of about 300,000 for some time to come. Next, there was the question of the average attendance of children. That was fairly encouraging, but not quite so good as he should like it to be. In 1873 the average attendance was 1,500,000; and in 1874 it was 1,700,000, showing an increase of 200,000. Since 1870 they had increased the average attendance by 500,000. When they used those large figures they almost forgot what they meant; but he thought the addition of 500,000 children, or a number about equal to the whole population of his constituency (Liverpool), to the average school attendance in England and Wales was a great feat of which the country might well be proud. With

regard to night schools, he knew that he and his right hon. Friend (Mr. Forster) did not so thoroughly agree as they did on some other points. In 1873, the number in night schools was 45,000; in 1874, it was 48,000; and he rejoiced to look forward to a very great increase of night scholars this year from certain changes which they had made in their Code. Notwithstanding the view taken by his right hon. Friend, he must repeat that in the present condition of education in England, he attached great importance to night schools. A great number of children must slip through their hands for reasons which their philanthropic friends might not admit to be valid—for instance, because they were nursing the baby or attending a sick parent. But those children might be caught by the night schools, in which they might receive a lift that they had missed. Therefore, he looked on the night schools as an admirable supplement to the day schools, at any rate in the present state of education. As to what the children learnt at the schools, they could not speak of any great improvement at present in regard to the Standard attained. But, so far as he saw, the improvement was steady and gradual, and the Department would do everything it possibly could to encourage and accelerate it. The Committee must not be discouraged by the exceedingly small number who passed the higher Standards. During the last 10 years very great endeavours had been made to bring the older children and those who had previously been neglected into the schools. Great trouble had been taken in that way both before the passing of the Act and after it, and if they looked at that great influx of the untrained older children into the schools, they might easily understand that its effect must have been to increase the difficulty of the teachers and pull down the Standard. The fact was, they had been in a state of transition, while their schools were flooded by classes of children who had been neglected in past years. All that made the numbers passing in the higher Standards seem small in proportion to the average attendance. He would now give a comparison of the numbers on the books and the average attendance during the four years before and the four years after the passing of the Education Act of 1870.



During the four years ending August 31, 1870, the number of children on the books increased 31·1 per cent, or in number 401,569—namely, from 1,291,490 to 1,693,059. In the following four years—that was to August 31, 1874, the number on the books had risen to 2,497,602, being an increase of 804,643, or 47·5 per cent. That was a very interesting fact, as it showed that the last four years had done a great deal more than the natural work in adding to the school register. Next, as to the average attendance from 1867 to 1870, it increased from 867,420 to 1,152,389, or 33·4 per cent; while in the four years from 1871 to 1874 it rose to 1,678,589, or 562,200, or 45·5 per cent, which was again a very satisfactory increase. The regular attendance of infants—a very important matter—had increased during those last four years 69 per cent. Then the voluntary contributions within the last four years from the passing of the Act of 1870 had also increased 43 per cent, while within the same period the Government Grant had likewise increased 79 per cent. The Committee was aware that since the year 1870 1,000,000 seats had been provided, and of that number he found that the voluntary schools had provided 750,000, and the school boards 250,000, which showed that there was considerable vitality on the part of those who were working for the voluntary schools, and also that some of the alarm that was expressed was not called for. With regard to the present condition of final notices—notice issued by the Department that there was a deficiency of school accommodation, and that unless it was supplied an order for the election of a school board would be issued—one-third of these had been met by voluntary effort. With reference to another third, the time limited by the notice had not expired; and for the remainder school boards had been ordered by the Department. Those, then, were the general facts, and almost all the figures, with which he need trouble the Committee. They were of some interest and importance, and also full of encouragement. He would add a few words on one or two other topics. And, first, as to the position of the Department with respect to school boards. He had always felt it incumbent on him—and it was the course which the Government had thought it right to adopt—to support the school

boards honestly and straightforwardly when they were doing their duty. When a school board was established, he regarded it as representing the deliberate opinion of the locality. When that deliberate opinion was once expressed, it was the duty of the Department to give the school boards no grudging support in their difficult task. But he held that it was not the duty of the Department to interfere with them, unless on points where the Act of Parliament had clearly laid on the Department the duty of interfering. It was not the right of the Department to interfere with the wishes of the school boards as to the building of large and ample schools. That was an affair for the school boards and for the ratepayers. Then, as to the salaries of the teachers, there was no power in the hands of the Department to interfere, and he declined to interfere. As to the compulsory by-laws, they had to be sanctioned by the Department, but thereafter the Department had no power of interfering with the working of them. It would be foolish for the Department to lecture the boards on matters on which it had no right to interfere, and it was a matter of the greatest possible importance that the Government should not get into the habit of meddling with the local authorities, except where it was their positive duty to interfere. There were certain matters, no doubt, in which it was bound by Act of Parliament to express a judgment. The question of sites came up when a school board asked the Department to authorize a loan for the purchase of a site, and in the Act of 1873 there were very stringent provisions by which the Department was required to satisfy itself that the sites were really needed. It was in duty bound to exercise a judgment upon the matter, and not to allow sites to be bought in localities where there was no school deficiency. With regard also to annual grants, he held the Department was bound to exercise a distinct judgment. It would, of course, be wrong to make grants to schools which were not wanted in the locality. The subject of transfers was becoming, perhaps daily, of more importance, and he was anxious to explain the position he took in the matter. If a school board had an offer from an existing school of the lease for a year or more of a building such as suited the



requirements of the board, a refusal of that offer ought not to be allowed. As the Committee was aware, a school could not be transferred to a school board for any money consideration. It must be transferred for a mere nominal sum. If, therefore, a school board had the opportunity of obtaining in that way, even for a short term, a building which would enable it to meet the wants of the locality, he, for one, thought the Department would not be justified in allowing it to use the ratepayers' money in building a new school. On another point—that of fees—he held a strong opinion. He quite acknowledged that the localities themselves were very good judges, to a certain degree, as to what the fees ought to be, and if he looked at the matter from the point of view of the supporters of the voluntary schools, he would say—"Let the school boards open all their schools at mere nominal fees," for the effect of that would be that the voluntary schools would have the pick of the artisan class, who would not send their children to schools where they would associate with the poorest and lowest children. But, as he understood, Parliament had decided that it would not have a system of free schools. The matter had been discussed at very great length, and that was the determination which had been come to. He held, therefore, that the Department was bound after what had passed, and by the Act of Parliament itself, not to consent to mere nominal fees in the board schools. It had laid down the general rule that the fees should be calculated according to the circumstances of the people in the particular locality. In one case an absolutely free school had been sanctioned, because the people were in absolute want. In other cases there were penny fees, and so on, always following the rule he had mentioned, that they should be adopted to the actual wants of the particular locality. In this course he had no doubt the Department would have the support of the Committee. He had now done with the details which he had to lay before them, and would come back for a moment to a very old theme. It was his strong and increasing conviction that what they ought to study chiefly was to secure early and regular attendance of the children. He ventured to say the Government had done something in this direction. The first condi-

tion of getting children to school was that there should be thoroughly good schools. He had been very much struck by the following observation of the Bishop of Manchester:—

"Give me a thoroughly good school, and I want no compulsion, for in my long experience as an Inspector of Schools I have never known a good school empty."

Government had taken, and were taking, very great pains to secure that first great necessity. Before long the country would be able to say that it had sufficient schools everywhere, and what was more, that it had good teachers everywhere. He ventured, moreover, to say that it had at present a good system of teaching. Under the present Code they had taken a great step in advance. They had secured that the children who went to these schools should find, not a dull mechanical system of teaching, but such a system as would awaken their intelligence and interest them in their work. The object had been to give freedom to the teachers, so as to leave them unhampered in their efforts to make their teaching interesting, and also to secure, as far as possible, that all the children should be examined—to secure, in other words, what the right hon. Gentleman the Member for the University of London (Mr. Lowe) had struggled for so long—namely, that the teaching should not be confined to the pick of the children in the school, but that all of them should have the greatest possible advantage. He had always thought that full justice had not been done to the right hon. Gentleman for the changes he introduced many years ago with a view to improvement in that direction. The right hon. Gentleman had to fight with an unsound state of things. At the time to which he referred there was a tendency to push forward the clever children and make them ornaments of the school, while the others were more or less left in the shade. The right hon. Gentleman, at a great expenditure of his popularity, reversed that system, and he (Viscount Sandon), for one, would be sorry to depart from the policy then introduced. Indeed, he held that Government had gone still further in the same direction by endeavouring, as far as possible, to get all the children to come up for examination. Referring to the Code, he would add, on the part of the Government, that they hoped to keep it as free from change as

possible for some time to come. Of course, he could not say how long he would be connected with the Education Department; but whether they had hit upon exactly the best scheme of education or not, he thought it very desirable that the Code should remain as it was, for, at all events, a few years to come. It was important that the masters should feel that there was some fixity, and should know what they had to work up to. They would have to work up to it gradually, and meanwhile the Inspectors would be instructed to be very cautious in dealing with the new system. There were of course matters in the Code not relating immediately to teaching, as to which he did not mean to lay down any distinct line. Another point might be mentioned in connection with the effort to secure thoroughly good schools. Certain small endowments—those not amounting to £100 a-year—could be dealt with by the Department, and it was their earnest desire that such endowments should be used as exhibitions for the primary schools. He was very strongly in favour of the system of exhibitions. He wanted every man to feel that if he had a child of superior talent, character, and application, that child would have a means of getting from the bottom of the tree to the top; and as far as Government were concerned, they meant to encourage exhibitions as much as they could. He would also take credit to the Department for what it had done to place an elementary instruction in science and art within the reach of children to whom it would be especially useful. Another subject he must advert to. Of course, he watched with very great interest the two competing systems of getting children to school which were now in operation, and which he ventured to say were on their trial. Both direct compulsion and indirect compulsion were now in full work in the country, and what verdict would hereafter be pronounced upon the experiments that were going on they could not venture to predict. It was impossible to shut one's eyes to the confusion which at present existed in connection with the means of securing attendance at school. He sometimes thought there was the maximum of inconvenience with the minimum of result. They had to observe the provisions of different Acts relating to agriculture, workshops, mines, &c. Moreover, there

were different systems of work in contiguous districts—compulsion in one place and no compulsion in the other. The labour market consequently was in a rather difficult position. He hoped that before long a satisfactory solution of the difficulty would be found. At the same time, he thought that the present symptoms of the public mind taught them that very great caution and consideration were needed in any further action. He had now touched upon nearly every subject with which it was necessary to trouble the Committee, and he would only say that so far they had fortunately carried with them the confidence of the working classes. There had been popular elections since the passing of the Education Act which had gone in favour of education, although he was also bound to say that popular elections had gone strongly in favour of a decidedly religious education. In dealing with the working classes, it must be remembered that they had their fancies, prejudices, and wishes, as to their children, just as hon. Members had, and great caution was necessary in dealing with those prejudices. The Legislature should interfere as little as possible with the homes and general habits of the people. England had grown up to her present state of greatness—not under Government supervision and regulation—but from the strong individuality of her people, and the inveterate love of freedom inherent in the breast of every Englishman. And much as they might wish to see their efforts brought to a healthy termination as soon as possible, they would find that time would not be wasted by their being cautious and gradual in their proceedings. By so doing they would draw to them the hearty feeling of the independent English race, instead of alienating them and turning them—not into allies—but into doubtful friends, and possibly even into foes. The noble Lord concluded by moving the Vote.

MR. W. E. FORSTER said, he wished to congratulate the noble Lord on the statement he had been able to make. It could not be denied that a good deal of progress had been made in the education of the people. He was happy to find that the consent of the Chancellor of the Exchequer had been obtained to the appointment of several additional Inspectors, for he did not think the work

could have been done without such additional aid. These schools, however, did not absolutely rely upon Government inspection, as there were, especially in London, committees of ladies and others who devoted themselves to the details of education. He did not grudge the noble Lord the money which his Colleagues had given him for night schools, unless, indeed, the result were that he or the Department should go upon the supposition that night schools would supply the place of day schools. That they did not, and never would; and it would be fatal to the cause of education to rely upon the evening schools to supply the place of day schools. He was rather sorry to hear the remarks of the noble Lord with reference to the action of the Department as regarded its power over the school boards in the matter of the provision of accommodation. He thought the Central Department might more properly confine its attention to seeing that the school boards performed their duty, rather than interfering with and checking them in doing so. Then as to annual grants, his noble Friend had said that the Department had used the discretion vested in them of refusing such grants where they believed they were not required. The 19th section of the Act, however, provided that the refusal should be based on a special report, and that fact in itself showed that only a strong case could at all justify a refusal. The noble Lord, taking stock of our position, thought we had got, or were sure to have, good schools in regard to buildings throughout the kingdom, as well as good teachers. Good teachers meant good teaching, and there was reason for congratulation that the demand for these had been so well supplied, and that we were not likely to experience any difficulty in that matter. He was glad to have the opportunity of repeating his thanks to the noble Lord and the Duke of Richmond for the improvement they had effected in teaching by their Code. But then came a point which was not so bright or pleasant—namely, that good schools and good teaching were rendered almost useless by want of attendance. In sweeping the country over they had got many children to attend occasionally, but not regularly. They ought not to be discouraged, however, by that fact. The children were very poor; their

parents did not care for their education, and to get them to attend at all was in itself a good thing. They must not, however, stop there. The money of the ratepayers would be uselessly expended if that were the only result they attained. It was a compulsory law which had given good results as regarded the provision of school accommodation, and nothing but compulsion, he believed, could secure satisfactory attendance. He believed that if the noble Lord would take courage from the experiments that had already been made with reference to compulsion, and make it a general law throughout the kingdom, he would find that his difficulties would greatly diminish. Putting aside special cases, he would find the greatest difference in his favour from the mere fact of its being declared that throughout this country it was a legal obligation on every parent that his child should be taught, and that if he could not do it himself there was an obligation on the State to do it for him, supplying the money that was necessary for the purpose. The noble Lord said he had watched and compared the effect of direct and indirect compulsion in the towns and in the country. With regard to the country, the fact was that, generally speaking, the compulsion there was no compulsion at all; it was not to be compared with even indirect compulsion in the towns. But he believed that in the rural districts generally, an overwhelming majority of the parents and of the community would be found to be in favour of the same compulsion there as we had in the towns. Some of the employers might take a different view; but what we had to consult was the interests of the children and the wishes of the parents. The Government and the country had provided an educational machinery so perfect that it was now only necessary to secure the attendance of the children to enable England to challenge comparison in the matter of education with any other civilized nation.

MR. HEYGATE, having expressed regret that the Report of the Education Department for the past year had only within the last two days been placed in the hands of hon. Members, proceeded to explain his general satisfaction with the interesting nature and fulness of the document. It showed a great increase in the schools, in the attendance, in the



number of children on the register, and in the number of voluntary schools; but he regretted that some of the grievances of which sincere friends of education complained were still unredressed. The chief of these was to be found in the fact that in many places persons who had done their duty in the matter of providing voluntary schools were called upon to pay rates for the support of schools conducted on a principle which they could not approve. A solution for this difficulty had been found in Canada, by giving ratepayers power to allocate their rates, and he hoped it would not long remain unsolved in this country, because until this was done a sense of injustice must linger in the minds of those who so liberally supported voluntary schools. In the original Bill, the draft of which was preferred by the hon. Member for Birmingham (Mr. Bright), assistance out of the rates was promised to voluntary schools, and in withdrawing that proposal the then Prime Minister offered, as a substitute, to increase the proportion which the Government grants bore to the amount raised under the voluntary system from one-third to one-half. But that promise had never been realized. In 1870, the Government grant amounted to £528,000, and the voluntary contributions to £1,527,000. In 1874, the Government grant amounted to £861,000, and the voluntary payments to £2,398,000, or nearly the same proportion as before the Act. The substitution of the 50 per cent of expenditure had been incapable of realization. It might be said that the reason of this was that the schools were indifferent; but if they were bad schools they could not pass muster, and, in fact, they were better than board schools on an average, as they earned nearly 2s. per child more. Thus, though the grant had increased, the expenditure had increased almost as much as the grant. Why had the expenditure increased? Because the price of everything that could be purchased had increased to a very considerable extent, and also owing to the undue competition to which voluntary schools had been exposed. It was said, "Nothing could be more healthy than a generous competition;" but how was that possible between a school that could draw upon the pockets of the ratepayers and one that must depend on the subscription of individuals, who,

moreover, had to pay their share of the rates, and thus paid twice over for education? It was also due in some measure to the extravagance which had been displayed by school boards. Then as to the question of salaries—these had risen much within the last five years. In 1870, the average salary of trained schoolmasters was rather more than £95, and of trained schoolmistresses rather upwards of £57, whereas in 1874 these salaries had risen to £107 and £64 respectively. One of the objectionable characteristics of school boards was that they were inclined to subject ratepayers to the expense of building board schools even in districts which had already efficient and sufficient voluntary schools. There could be nothing more indefensible than the proposal which the London School Board made with reference to the Fitzroy Market district in Marylebone. Although that district had school accommodation for 5,092 children, and the largest number of children who could possibly attend school was 5,280, the London School Board proposed that a new school to accommodate upwards of 5,000 children should be built in the district. If that could be done by a school board, people would be very chary as to the adoption of the school-board system. One expected that in London affairs would be managed with more intelligence than in the country; but if such a proposal as that with regard to the Fitzroy district were carried out, what absurdity and injustice might not be perpetrated with reference to this subject among poor people in the country? He hoped the proposal he referred to would not be adopted. It had been adjourned, he believed, for six months; but it had been adjourned only by a majority of one or two, which showed how very nearly such a proposal had approached adoption. Then as to the rating of schools; this was formerly unimportant, as schools hitherto had little commercial value, but now that they had palaces for schools it was becoming a serious question. Again, the high rate for maintenance had increased very rapidly. There were 89 school-board districts in which a rate of 6d. had been reached, and he found that there were 61 per cent of all school board schools bearing a rate of 3d. in the pound and over. It amounted, in fact, to an additional poor rate in many

parishes. The Government grant had increased considerably; but that was because greater exertions had been made, because new schools had been founded, and because schools not inspected before were inspected now. The results obtained showed that vast efforts had been made by those who supported the voluntary schools. He acknowledged that gratefully; but in answer to a circular sent out by the National Society, it appeared that in 108 out of 326 schools in school board districts subscriptions had largely declined in consequence of the action of school boards. It appeared that 364 schools, besides private schools, had already been transferred to school boards. This showed there was a very strong case for some relief in the direction he had intimated. He thought the Education Department ought to show more discretion than it did with reference to its sanction of the placing of school board schools in immediate proximity to existing schools. The answer of the noble Duke who presided over the Education Department to the complaints that had been made to him as to the action of school boards—namely, that the ratepayers had this remedy against school boards: they could turn them out—was a mere delusion. It was too late to turn out a school board after it had spent the ratepayers' money, and pledged the rates for many years. He trusted that it would be taken into consideration whether it could not be provided that applications for a school board in a district should not take place more than once in every three years instead of every year. If they were to be asked every year whether they would have a school board surely they should also be at liberty every year to say whether they would get rid of a school board. In other words, power should be given to dissolve school boards as well as to adopt them. He disliked the school board system in comparison with voluntary schools, because under the voluntary school system there was better security for religious instruction. There was, indeed, a certain system of religious instruction under school boards; but the Return as to religious education in school board schools recently presented told a melancholy tale, and proved it was not such a system as was satisfactory in a Christian country. That

the Bible should simply be read for five or ten minutes without note or comment was not to his mind very satisfactory, and in no less than 42 schools no religious instruction whatever was given. Well might the Earl of Shaftesbury say the other day that he "looked with dismay on the lukewarm way in which religion was treated in the board schools, and that he believed the best and wisest of the Non-conformists shared that feeling." Another argument in favour of voluntary schools was the comparatively small cost of their building in the first instance. In London the cost of site and building for a considerable number of voluntary schools was £7 17s. 2d. per child in cases where the sites were purchased, and in cases where the sites were given the cost was £6 0s. 5d. per child; whereas the cost of board schools was as much as £15 7s. 2d. per child. Again, the average cost of the maintenance of a child in a voluntary school was 30s. 6d., as against 35s. 4d. in board schools. For these reasons it could not be surprising that he and others who desired to see religious instruction encouraged hoped the greatest assistance would be given to maintain a system which had proved so valuable. Its only weak point was the want of the power of compulsion. If we could get the country prepared for universal compulsion, it would be a great advantage to schools of all descriptions. He saw no hardship in compelling children to go into the voluntary schools, because the Conscience Clause prevented every objection on the ground of religion. If we could get public opinion in favour of compulsion established by Boards of Guardians or in any way other than by the school boards, he, for one, should feel satisfied with the results. In the meantime the Government was right in watching the course of events, and he thought his noble Friend was wise in not rushing too hastily to a conclusion which might only rouse a feeling of opposition in the country. He thanked the House for the attention with which they had received those observations.

Mr. PEASE said, he had listened with attention to the long statement of the hon. Gentleman who had just addressed the House, and he must say that he could not agree with the hon. Gentleman in his statements in reference to the board schools as compared with the



schools on the voluntary principle. He (Mr. Pease) was informed that the school boards had in most places been of the greatest possible assistance to voluntary schools. The school board schools also in almost all cases were taking care of the religious education of the country. Why were voluntary schools turned over to the school boards, but that the persons interested were satisfied with the education in all respects afforded in those schools. In school board schools religious instruction was as good as in most other schools, and exactly the same, with but one exception—that was that catechisms and dogmas were not taught. The hon. Gentleman had said that the voluntary schools were not getting as much money as they had a right to expect; but he (Mr. Pease) did not think there was any just ground of complaint in that respect. What the country wanted was that which the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) had indicated and expressed a wish for—namely, compulsory attendance at the schools. The people in the North of England were thoroughly prepared for universal compulsion, and working men there were of opinion that all should be compelled to make the same sacrifices. A system of compulsion would not only fill the schools, but it would add to the money received in the schools; it would raise the standard of education, and more money would cause the employment of masters instead of pupil-teachers. There could be no doubt that the noble Lord or his successor must make up his mind to compulsory education. The statement of the noble Lord was in all respects a very satisfactory one, and he felt great pleasure in saying he should give it his support.

MR. SALT thanked the noble Lord for having placed in the hands of Members before this discussion the most valuable and interesting Report of the Education Department. It should be remembered that the sum voted by Parliament for elementary education was only a very small proportion of the amount which the country was called upon to apply to that purpose. Besides these Votes, there were the sums contributed from local rates, which were annually increasing, the money collected by voluntary subscriptions, and the school fees. He found that these items

together amounted in 1874 to about £3,500,000, which was our total annual expenditure for elementary education, not including a steadily increasing debt of £3,000,000 or £4,000,000 incurred by school boards for building. He did not for a moment mean to say that that was too large a sum to pay in aid of elementary education. On the contrary, he should not complain if the sum was even twice as large. But what had they got in return for that very large sum? It appeared from Returns which they had got that between 1870 and 1874 there had been a very great increase in school accommodation; and the average attendance of children at the schools was the best gauge they had as to the value they were getting for the money. Some children were not in the habit of attending regularly, and many were in the habit of moving about from place to place, and therefore frequently changing their schools or giving a most irregular attendance. Of the education which that class of children got much could not be said. Between 1870 and 1874 the increased school accommodation had been 1,000,000, but the increased average of children during the same time was only 500,000. In other words, just double the accommodation that seemed to be practically requisite had been provided. That was a point to which it was necessary to pay attention, because it referred to two important considerations—one, the large increase in school accommodation; the other, the small average attendance of children. It might be said that they were overbuilding, and there appeared to be reason for thinking so. He had received an interesting letter from a clergyman who said that in his parish accommodation had with great difficulty been provided for 800 children, but even with compulsion they could not get the attendance of more than 350. It appeared to him (Mr. Salt), therefore, worthy of consideration whether they were not overbuilding. He submitted that the system of increased school accommodation was one that ought to be carried out very carefully and gradually. There were some men who were of opinion that the Government ought, in the first instance, to enter into a large outlay of public money for school accommodation; but he earnestly urged that time should be given before further expenditure was entered into. There was

*Mr. Pease*



another point far more difficult and important. Seeing that we had accommodation for 1,000,000 more children now than we had in 1870, and we had got only 500,000 more into the schools as the result of our efforts during that period, while the statistics showed that we ought to have got something like a third more, the question was whether we had exhausted all the means in our power to get the children into the schools? He was somewhat unwilling to use that word which had become a bugbear to some of his hon. Friends—compulsion, and therefore he would employ the word inducement. Well, then, was there any inducement or encouragement which we could use to get the children into the schools; for our Returns would never be satisfactory until, having provided ample accommodation, we should discover some means to get the children to avail themselves of it? It was perfectly true there were difficulties in the way. He was a member of a school board, and he had said to his colleagues—"It is true we have the power of compulsion, but we must use it discreetly. The moment you use it harshly your system will break down." He believed everyone who had experience in the matter would agree with him that parents, so far from wishing to keep their children from school, were, as a rule, most anxious to get them there, though, of course, there were exceptions. He knew cases in which parents came to consult the members of school boards how to force their children to school, over whom they had too little control. He held in his hand a most valuable report from the school board of Stockport, which deserved to be widely known. Stockport was remarkable for two things—in the first place, it had no school board schools; and, secondly, it was almost the only place which had brought the attendance of children up to the supposed average of the Department. Not only so, but so closely had it swept the children into the schools that the figures showed they had more children at school than, according to the Census, could possibly exist in the place. They had also spent a good deal of money and spent it most efficiently. There was one fact which was worthy of notice, and that was the effect which their action had had upon juvenile crime. Stockport was a place

of about 58,000 inhabitants, and while in 1870 the total number of children apprehended was 66, in 1871 it was reduced to 47, in 1872 to 37, and in 1873 to 36. Here was an instance in which the system had been fairly and thoroughly tried, and what had been done at Stockport by means of compulsion might be done by other and cheaper agencies in other places. He trusted the noble Lord would take this matter in hand, and face the difficulties of the question so as to overcome them.

SIR JOHN LUBBOCK suggested that a longer interval should be allowed to elapse between the circulation of the Report of the Education Department and the discussion of the Estimates. He quite felt that the present Code was in some important respects an improvement on its predecessor, and he begged to thank the noble Lord for the amendments he had introduced. But while he fully recognized the value of the alterations which had been introduced, there were some points which he thought might be re-considered with advantage. The Code of 1874 included among the extra subjects "any definite subject of instruction, taught according to a graduated scheme," of which the Inspector could report that it was well adapted to the capacity of the children. These words were omitted in the Code of 1875, and consequently schoolmasters and school committees were at present strictly limited to the subjects mentioned in the Schedule. This seemed to him a mistake. Why should not schoolmasters and school committees be allowed, especially under the above limitations, to choose such extra subjects as they thought best? He knew a case in which a school was learning elementary astronomy out of the little book issued by the Christian Knowledge Society—*The Starry Heavens*. The children were very much interested in it. They liked to know something about the sun and the moon and the stars. The master liked it because the children were interested, and because he found it enabled them to understand the geography lesson much better. Then came the Inspector, who said—"You must give up the astronomy and take to grammar." The children hated the grammar and the master was sorry for the change; still the present Code forced them to give up the astronomy, which they liked, and take to grammar, which

they did not like. Now, to show how much doubt existed in the highest quarters as to the best subjects, he might point out that in the Irish Regulations one of the subjects—not an extra, but a regular subject—was Agriculture. The subjects, for instance, in Class 4 were reading, spelling, writing, arithmetic, grammar, geography, and agriculture. Under this head the children were expected “to answer intelligently on the subject-matter of the lessons in the ‘Agricultural Class Book,’” and a corresponding provision appeared in the regulations for all the higher classes. Thus we actually insisted in Ireland on a subject which was altogether excluded in England. It seemed to him that some knowledge of crops was a very appropriate subject for a country school; but, whether that was so or not, surely no one could maintain that a subject which we insisted on in Ireland was so unsuitable that it ought to be forbidden in England? He hoped, therefore, that the noble Lord would restore the words which had been omitted. Again, he did not see why domestic economy was to be confined to girls. Surely the nature of food and of the materials of clothing, the management and ventilation of the dwelling, the simple rules of health, the management of wages, and the importance of saving were subjects which might be taught to boys, also, with great advantage? Nor did he understand the reason for the difference which existed between the English and Scotch standards, and he might add the Irish also, in every case the English standard being the most difficult. He was ready to admit that in some respects the system of education in Scotland had been superior to ours; but he thought that fact was an argument against expecting more from English children than from Scotch children of the same age. If there was to be any difference in the Codes he thought that more should be expected in Scotland than in England; and, at any rate, he could not see why the English standards should be made so much more difficult than the Scotch. He should be glad to say a few words in reference to school books. Those now in use contained many remarkable statements. For instance, in one popular set of hand-books it was stated that “there were no animals in New Zealand when it was visited by Captain Cook in 1769;” and,

*Sir John Lubbock*

again, with reference to the same country, it was said that “certainly the English will not be tempted by gold digging or sheep keeping to stay in a place where it is likely they will be killed, cooked, and eaten.” In the same series it was stated that cod “abounds in the Norway lakes, and there is a great lot of game;” that “Africa, owing to the new canal, is now an island.” Under the heading “Auguries of Birds,” the children were told that “all the accidents of the seas are predicted by birds.” The principal blot of the present Code was in reference to the so-called extra subjects. One most important function of education was to train the powers of observation; but neither grammar, history, nor political geography had any decided tendency in this direction. If history and geography were taken as two of the subjects, it seemed to him to be of the greatest importance that either botany, zoology, mechanics, or some other subject which could be taught from the actual objects themselves should be selected as the third. Under the head of domestic economy were comprised the preparation of food, the materials of clothing, the mode of warming, cleaning, and ventilating the dwelling; simple rules for health, cottage income, expenditure, and saving. Surely these were most important subjects, yet no child was to learn them who had not already passed an examination in history, geography, and grammar, or two of them. Grammar as it was often taught was not so well adapted to children as several other subjects which were excluded. In the grammar which he believed was most used he found such statements as that “the Misses Johnstone” was more correct than “the Miss Johnstones,” because in the latter case they were considered a compound substantive. Again, “Man and John are masculine, because they are the names of male persons; woman and Susan are feminine, because they are the names of female persons.” Surely there was not sufficient advantage in this that such subjects as domestic economy should be excluded in favour of grammar. History, as taught to young children, was a dry tax on the memory. It consisted of dates and wars, lightened, or rather say darkened, by deeds of treachery and murder. He quoted some passages from Scotch his-

tory as used in Scotch schools, especially with reference to the border wars, and asked whether it was desirable that children should be kept in ignorance of the objects of nature, of the animals and plants by which they were surrounded, of the sun and moon, or of the laws of light and sound, until they had been instructed in the dark pages of history, and, in the case of Scotch children, well-grounded in the wickedness of England? The inspectors themselves did not agree in the selection of the subjects to which prominence should be given. He ventured, therefore, to suggest to the noble Lord that he should leave managers at liberty to take up any two subjects for the examination, allowing them at the same time the extra grant of 4s. per subject for any other two subjects which might be taken up in addition. It was obvious that there might be some schools in which from their situation one or other of the extra subjects might be taught with peculiar benefit. There were schoolmasters with special gifts of which it was desirable to take advantage, and it might well be—nay, he believed that it would be—the case that when we should have had more experience we should find that the subjects which had been selected by the Department were not after all the best that could be chosen. At any rate, there could surely be no harm in leaving this point open. They ought to be very careful not unduly to hamper or interfere with the freedom of schoolmasters and of school managers, who gave so much valuable time to the cause of education.

Mr. SAMPSON LLOYD said, he thought the country much indebted to the right hon. Member for Bradford (Mr. W. E. Forster) for the Act of 1870, which, on the whole, had conferred great national benefits. But care must be taken not to destroy the existing denominational system. It was a most valuable part of the educational machinery of the country, which, so long as it was efficiently conducted, was not to be extinguished. The condition on which the Act was accepted was that denominational schools should have fair play, because they existed, and because, in the opinion of many, they gave religious instruction which could not be given in board schools, nor even in British and Foreign schools. Injustice was done to denominational schools by

the reduction of the grant to them under the 32nd article of the Code. A school might earn £200 by efficiently teaching the subjects in respect of which the 4s. allowances were made, and yet because it was in a poor neighbourhood and had a poor subscription list the grant might be cut down to £20, while if it were in a better neighbourhood in which fees of 8d. and 9d. could be charged and large subscriptions obtained, it might be in such a flourishing condition as to secure the whole of the grant it had earned. This condition affected most seriously the schools which most required assistance, and rendered it difficult to carry on denominational schools in poor neighbourhoods. Another harsh condition affecting these schools was the limitation of the grant by the expenditure. Many of these schools were conducted at a very great loss. He held in his hand a pamphlet, written by a Manchester gentleman, who stated that the expenditure in connection with the Church of England schools in the year 1873 exceeded their income by £22,544. The latter sum had to be paid by charitable donations. If the 4s. allowance was too much let it be reduced for all alike, and let the deficiencies thus caused to the board schools be made up by the ratepayers; but if 4s. was the allowance dictated by public policy, it was hard upon denominational schools to deprive them of the grant they had earned on account of adventitious circumstances peculiar to the locality, over which they had no control. He urged the Government to consider the propriety of abolishing these fines, and also of allowing a person who could prove that he had subscribed to a public elementary school to set off the amount of his subscription against the rate, minus a proportion; which should be one-tenth, but might be put down at one-fourth, in respect of that portion of the subscription which was devoted to the expenses of religious instruction.

Mr. D. DAVIES said, that the Act of 1870 was passed as a supplementary measure. In his parish there were four schools—two denominational and two board schools. The supporters of the former paid their subscriptions as before, to keep up the denominational schools, and they also paid the rates for the board schools, and by this means the whole parish was being educated. When hon.



Members expressed alarm about the rates he said let the children be educated for 15 years, and then the poor rates would probably show a great diminution. The people of England had not hitherto been properly educated. He himself had, unfortunately, not been properly educated; but he was willing to do his duty in educating the children of the rising generation. The difficulty which had been alluded to that night occurred in his parish. A poor woman who had six children, and kept one cow, and whose husband earned 16s. a-week on a railway, come crying to the school board, and told them that if she was compelled to send her eldest girl, aged 11 years, to school regularly, they must go into the workhouse. Well, what did the school board do? Why, they "put it right for the woman," and that was what ought to be done all over the country. The schools were now built, and the difficulty was to get the children into them without compulsion. There was a certain class of boys who were the masters of their parents, and they could not be got to school unless some one took them by the collar and made them go.

MR. RODWELL said, that the speech of the Vice President of the Council showed that he had a better knowledge of human nature and of the feelings of the humbler classes than those who were always talking of education. He had never heard anyone explain how they were going to introduce a compulsory system of education into the agricultural districts of England. He denied that the power existed, and if the children were driven to school, and if the parents were called upon to send them under compulsion, it would do more to stop the progress of education than any other measure that could be devised. It was doing the agricultural labourers a great injustice to say that they were unwilling to send their children to school. The fact was the very reverse, but the real difficulty was that they were asking these parents to make sacrifices which no Members of that House were called upon to make for the education of their children. In rural districts there was a great demand for juvenile labour, and this acted as a great temptation, and induced parents to keep their children away from school. There was no analogy between the children who ran about the streets of our

large towns and the children in rural districts who were honestly earning money for their parents. In some parts of Cambridgeshire and Norfolk it would be downright cruelty to force the children to go to school at certain periods of the year. He trusted the noble Lord would adhere to the principle he had laid down, and that he would appeal to the feelings and desires of the people, who really wished to improve their condition, and to take advantage of any system which might be offered to them. On behalf of the district he had the honour to represent (Cambridgeshire), he protested against any compulsory system being introduced there. The farmers and clergy in the rural districts had assisted in the great work of education, and if it were done in that manner it would bring about greater results than if it were done against the will of the people, who might be led, but who would not be driven.

MR. LYON PLAYFAIR said: If the hon. Member for Cambridgeshire (Mr. Rodwell) had not made such an anti-compulsion speech, I should not have addressed the Committee. Year after year the Education Department tells us with perfect frankness that its labours are attended with unsatisfactory results, and that the cause of this failure is the non-attendance of children at school. Year after year the age of children in attendance diminishes. In foreign schools, children attend till 14 years of age, the age of infancy fixed under our own Factory Acts. Out of 10,000 children at school, 1,200 ought to be of that age. Twenty-five years ago in England we had about a third of that number, or exactly 424; five years ago we had only 280, and now we have only 240, or just one-fifth. There is a constant lowering of school age which compulsion in the towns has not as yet succeeded in arresting, and even out of the number examined what a woful tale the Report tells us. Of the children above 10 years of age who were presented for examination, 63 per cent aimed at an infant standard of examination, while only 37 per cent ventured on the only standards which are fitted to give a permanent impress on the education furnished by the State. Or, taking it in another way, we have 2,500,000 of scholars on the register of whom only 150,000, or six in the hundred, are giving evidence of any

*Mr. D. Davies*

efficiency in our national system of education, by passing Standard IV. and upwards, while 94 in the hundred are pursuing the course, not of a national education, but of a gigantic system of infant training. The Education Department, as I have said, conceal none of these facts from us, and indeed draw the only legitimate conclusion, that you can make no considerable advance in education unless you can ensure more regular attendance at school up to the age when the State ceases to regard the child *in loco parentis*. I do not accuse the Government of doing nothing to remedy the evils which they have pointed out to us. The noble Lord the Vice President of the Council, and the noble Duke at the head of the Education Department, have shown themselves earnest friends of education and efficient administrators. It would be unworthy of Party politics, especially in a subject so affecting the interests of the people, and which ought to be treated with as few Party considerations as possible, if we did not admit that with one notable slip backwards in lowering the education of pauper children, there have been several important steps forward. The indirect compulsion of the Factory Act introduced by the Home Secretary, the well-intended but not yet very efficient Agricultural Education Act, which we owe to the present Secretary of the Local Government Board, are in a spirit of progress, and since last year the introduction of a new and greatly improved Code has removed much of the difficulty of enforcing compulsory attendance. For our national schools had become degraded to little more than a gigantic system of infant education applied to children up to 13 years of age. With such a low system of education, compulsion is difficult of application, for a parent might reasonably say, why force my child of 10 or 12 to go to a school where little is taught beyond Standard III., which a well-instructed infant ought readily to master? The new Code will, I hope, in time elevate the character of our schools. In this point of view I highly appreciate the Code of my noble Friend the Vice President of the Council. He himself has given us an important argument for enforcing the necessity for compulsion. I always felt it difficult to apply compulsion under an inferior school system. Our system is still inferior, but at least the motive now

exists for improving it. A superior character of education is the logical necessity of powers for enforcing attendance. No law could be so tyrannical as to force a parent to send a grown boy or girl to a school that, in reality, only gives education fit for infants. The explanation of the fact that there is no uprising against the compulsory laws in towns, notwithstanding the low character of much of the education, is that the whole mass of children are terribly backward. As they become more educated, the standard of education must either be elevated, or you must abandon compulsion. But now that the Government have given us a Code through which this difficulty has been removed, we are entitled to ask what steps it intends to take to remedy those irregularities of attendance of which it so grievously complains in the two last Reports of the Education Department. My hon. Friend the Member for Birmingham (Mr. Dixon) brought forward a Bill this year to enforce compulsory attendance, but it was thrown out by a large majority. The responsibility now rests with the Government to devise a better machinery, because the country will expect some remedy for the failure of the national system which is annually announced to us. They have passed indirect laws of compulsion, and they support fairly the administration of direct compulsion to nearly all our large towns. Now, is this great country Party opposite prepared to refuse to the rural population these educational benefits of schools which the law now enforces upon the dwellers in towns? If our educational net in towns succeeds in sweeping into the schools the neglected children of the streets and alleys, will it not be a scandal to the country districts that the children wandering in the fields or sitting under the hedges are to be allowed to grow up in ignorance, because Government cannot arrange with its followers what is the best kind of machinery for carrying out a compulsory law? I argued last year, and I do not intend to repeat the argument, that under a system of denominational schools compulsion is more easily applied than under non-sectarian schools. But if year after year passes over our head, and we find that we cannot introduce compulsion into a system of voluntary schools, you cannot be surprised if the question forces itself upon us—Are voluntary schools

capable of continuing to perform an important part in the education of the country? The principle of the Act of 1870 was, to recognize them whenever they were efficient. But efficiency is a wide word in a national sense. Voluntary schools not in connection with school boards may be efficient for teaching the children within their walls; but they may be, and at present are, wholly inefficient to teach the neglected children of the district in which they are placed. The advocates of voluntary schools should clearly perceive this difference. If, as a system, they are efficient, they must comprehend the necessities of education within their sphere. Both sides of the House, with exceptions who could be counted by the fingers on a single hand, admit that education cannot comprehend above half our children without compulsory law. Annual Returns tell us that only 41 per cent of the children on the actual register gave 250 attendances, while only 6 per cent of those who ought to pass in the higher standards actually do pass. This huge waste of our educational resources cannot be allowed to continue. All admit that—those who favour indirect compulsion through restrictions on labour admit it as much as those who demand universal direct compulsion, for the principle involved is the same in both. The only reply which we got last year we get this year—"Don't move too fast." Well, in the towns this may be said with some show of reason; but it is there where compulsion is working well, with singularly little difficulty, for the occasional instances of hardship are few in number. I have made these remarks because I think we shall be entitled to ask Government, before we grant the Education Estimates next year, what steps they propose to take throughout the country to remedy the non-attendance and irregularities of attendance to which they attribute the failure of our national system. We know the steps taken in the towns; but we desire to know, before another year, what they propose to do with country districts. When in process of time the children of the working classes in towns are educated under the operation of the same Act under which masses of agricultural children are left without efficient education, will not parents in rural districts be apt to throw the blame on the voluntary school sys-

tem which refuses to adapt itself to a full development of the common educational laws? Or if the parents of neglected children are not intelligent enough to draw this conclusion for themselves, will not the nation as a whole do it for them? But even the Government may find that it would be better to face the difficulty as a legitimate consequence of their own improved Code than to rest satisfied with admitting to us, by their Reports year after year, that the failure of the national system mainly depends upon their want of courage to introduce a universal compulsory law.

VISCOUNT SANDON declined to compare town and country in an educational sense, but could answer for the fact that in the country there was a great anxiety to get the children to school, and that great sacrifices were made there with that object. It was certainly a serious thing to find children leaving school at an earlier age than they used to leave. One reason was the higher value of children's labour. Another reason given by the Scotch schoolmasters who came to the Department the other day was that the moment parents ceased to be bound by the law to keep their children at school, that moment they ceased to keep them at school. The London schoolmasters spoke of a similar change, and these facts suggested difficulties in the way of universal compulsion—difficulties requiring the gravest consideration. He agreed with his right hon. Friend (Mr. Forster) that where school boards would spend the money they should have Inspectors, and the London School Board had two. The Act of 1873 prescribed the cases in which additional school accommodation should be provided, and by that clause the hands of the Department were tied. While, however, the Department would be careful not to require excessive accommodation beyond what was necessary for the district, they would be equally strict in seeing that school boards should supply the necessary accommodation. The Government were always prepared, when a locality showed by a house to house visitation that the number of children did not exist to fill the schools which the Department had ordered to be built, to withdraw the plans. If the locality did not accept that test they had no other course than to be guided by the general standard required. He was much obliged



to the hon. Member for Maidstone (Sir John Lubbock) for what he had said about the Code, although he confessed that he expected warmer praise from the hon. Baronet on that matter. The Government had removed the fifteen-shilling barrier which stood in the way of advanced teaching, and they had encouraged the extra subjects. He could not, however, think the fact of a school-master not being allowed to teach astronomy, and being obliged to go back to grammar, was a very dreadful case; because, in regard to children of 10 years of age, it was desirable that they should get a tolerable knowledge of their own language before going on to learn astronomy. No doubt there were many trashy educational works, but he was happy to say there were now a great number of good ones superseding them. He rejoiced in having had a hand in carrying out considerable improvements in the Code; but he thought it would be better for the children that they should be let alone for a year or two. The Government were determined to carry out this question of education thoroughly well. When it would be complete, or how it might be altered, he could not say; but he was very hopeful that the cause of education was now on a good line—that they were on the right track, and that the present system would land this great nation in the haven where we would wish it to be—of having a good and sound education for its people.

*Vote agreed to.*

(2.) £213,552, to complete the sum for the Science and Art Department.

MR. MACDONALD observed, that there was a sum of about £9,000 for the School of Mines and the Geological Museum. He thought it would be desirable to have a few thousand pounds spent in investigating the subject of mining in foreign countries, and for the establishment of mining schools.

MR. EVELYN ASHLEY expressed a doubt as to the competency of the Inspectors in Science and Art to examine in both departments, and as to the assistant Inspectors, he could not see why they were almost entirely chosen from the Corps of Engineers.

MR. M'LAREN wished to call the attention of the noble Lord and the House to what was being done, or rather was not being done, respecting the In-

dustrial Museum of Edinburgh. He had obtained a Return a few weeks ago, which showed the state of matters. Hon. Members were apt to think that out of London everything was of very little importance; but this Return showed that the number of visitors to the Edinburgh Museum was 336,000, while that of the whole of the London museums was 2,100,000. Therefore, the attendance at Edinburgh was a sixth of the whole of the London museums, while the money given to these institutions was 25 times as much as was given to Edinburgh. The Edinburgh Museum was commenced 19 years ago. It was not finished yet, and there was no grant for it in the Estimates of the present year. No doubt the Chancellor of the Exchequer had said something about a Supplementary Estimate; but he did not think provincial museums should be impoverished for the benefit of the London ones. One instance of their respective importance—Professor Huxley lectured to some 50 students in Jermyn Street. At present, the Natural Philosophy Professor was away in the *Challenger*, and Professor Huxley was lecturing in his stead at Edinburgh. What was the result? In Jermyn Street, as he had said, he lectured to 50 students; in Edinburgh he lectured to 350. If they looked at the grants, they would find that the contrast between Jermyn Street and Edinburgh was exactly the other way; and it was to be remembered that the lectures were not merely popular ones, but lectures which the students of the Edinburgh Medical School required to attend. The Return also showed that during the last five years the payments to Jermyn Street for education Votes and salaries had been £25,181, while the whole Votes for the same purpose to the Edinburgh Museum had been £15,169. The same principle ran through other grants. Since 1853 the grants to Ireland for science and art had been nearly £500,000, while the grants to Scotland had only been £186,000. He did think the Government were bound in fairness to re-consider the whole of these Estimates, and do more justice to Scotland.

GENERAL SIR GEORGE BALFOUR was also understood to urge that Scotland should have larger grants than she had hitherto had, pointing out that the contrast between the Expenditure voted

in the Civil Service Estimates in 1853-54, which was a standard year for comparing the expenditure of the present time, showed the public outlay for Education, Science, and Art to have quadrupled, but that the additions to England and Ireland had far exceeded the proportion of the increase to which Scotland was entitled. The people of Scotland had been foremost in the race between the three divisions of the Kingdom to extend elementary education, but were now distanced in the running by reason of the want of that public aid so liberally granted by Parliament to England and Ireland to promote the higher instruction which was being given not only to the people of England and Ireland, but to the people of the Continent, and particularly to Germany; and he would continue to urge a greater fairness being shown by Parliament to Scotland in distributing the grants of public money.

MR. MUNDELLA urged that more liberality should be shown in the case of museums generally, and that something should be done to stimulate their growth. There was a museum in Bethnal Green. Why should not there be one in Sheffield, Leeds, and other great centres in the Provinces?

MR. SULLIVAN urged the Prime Minister to give him an opportunity of bringing forward his Motion on science and art on an early day, when it could be fully discussed. In the view of that discussion, he would not detain the House with any observations now, but would merely remark that he hoped he should not find himself shunted by a Morning Sitting when he brought forward his Motion.

MR. MITCHELL HENRY called attention to the Botanical Gardens, Dublin, and asked the Government to consider whether they could not do something to increase the salary of the director, who was one of the most distinguished botanists in the world, and received a salary of only £300 a-year?

MR. DILLWYN said, there was an obvious answer to the question why should not Sheffield and other places have museums? If the House of Commons once started on this road it would be necessary to provide museums for every town in the Kingdom, and there would be no end to the expenditure. He protested against the continued outlay at the South Kensington Museum, which,

in his opinion, yielded a very small return for the money it cost.

VISCOUNT SANDON said, the remarks of the hon. Member for Swansea (Mr. Dillwyn) were most opportune. He was simply alarmed at the number of applications which poured in from all parts of the country, both for the establishment of museums and for sums in aid of Art Schools. Those applications struck him as indicating a falling off in that spirit of self-reliance which used to be the boast of Englishmen. No one could rejoice more than he did at the spread of such institutions; but it was a serious question whether they should be maintained at the cost of the nation. Liverpool had a museum, of which she was justly proud, but it was supported by the inhabitants. With reference to the institution in Jermyn Street, it was one of which they might all be proud. With regard to the question that had been addressed to him as to the Inspectors of local schools, he might say that their duty was to consider the question of organization. As regarded the Art Schools, valuable testimony had been borne to the progress they had made. As to the Edinburgh Museum, he was afraid they could do nothing this year, but another Session they might be able to meet the views of the hon. Member for Edinburgh (Mr. M'Laren).

MR. M'LAREN said, he did not think an answer had been given to his appeal for common justice.

MR. ERRINGTON asked whether it was intended to vote any sum of money this year for the purposes of the Sub-Wealden exploration?

MR. W. H. SMITH said, no payment had been made, because the conditions laid down by the Government had not yet been complied with; but a Supplementary Vote would be moved for this year to provide for payment, upon satisfactory evidence being given that the conditions had been complied with.

*Vote agreed to.*

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £238,410, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for Public Education in Scotland."

DR. C. CAMERON moved that the Chairman report Progress.

*General Sir George Balfour*

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Dr. Cameron.)*

MR. DISRAELI said, it was unusual on these occasions, especially at this time of the year, to make such a Motion shortly after 12 o'clock. In consequence of the lengthy discussion which had arisen on English education, the Committee had only just commenced the voting of Supply. Therefore, he hoped the hon. Member would not persist in his Motion.

MR. RAMSAY complained of hon. Members below the Gangway on the Ministerial side of the House as the party whose interruptions of hon. Members on his side of the House were the cause of much delay throughout the evening in passing the Votes. They would not listen to, but interrupted every hon. Member who questioned the Votes.

MR. STACPOOLE complained of the manner in which the Votes were put. A little time ago the Committee were considering the Vote on Museums, and he wished to say something on that subject.

THE CHAIRMAN: I beg to remind the hon. Gentleman that the museums are not now before the Committee.

MR. STACPOOLE: And why were they not. He wished to say something about museums; but the Committee had been led to jump away from them to another question—Scotch education.

MR. W. E. FORSTER said, he hoped the hon. Member would withdraw his Motion that the Chairman report Progress.

DR. C. CAMERON said, the reason why he moved that the Chairman report Progress was, that he saw that several Votes which preceded the Scotch Education Vote had been passed over.

MR. DILLWYN concurred with the hon. Member who moved that the Chairman report Progress, and he was himself inclined to do so. He also concurred with the hon. Member (Mr. Ramsay) who complained of the interruptions of hon. Members below the gangway on the opposite side of the House as retarding the public business.

DR. C. CAMERON said, that if it were the pleasure of the House he would withdraw his proposal to report

Progress, by leave

VISCOUNT SANDON, in explaining the Vote, said, he could state very little this year as to the effect of the Scotch Education Act, because, as hon. Members were aware, this had been a period of the transition between the two Codes. He was, therefore, at the present moment unable to give any very good account of the state of things. He would, however, refer hon. Members who took an interest in the subject to the very interesting Report which had been prepared by the Board of Education in Scotland. That Report had, unfortunately, not been long enough in the hands of the Department to enable them to enter into the question. The work of building was going on at a very rapid rate, and they should soon have schools built to accommodate 250,000 children. As hon. Members from Scotland were well aware, there were certain difficulties lurking in the background with regard to the supply of schools, and he only hoped that an interpretation of the law might be found that would enable certain schools to be handed over to the Board. With regard to teachers, he found that there had been a very steady increase in the number of teachers in Scotland. In 1873 the number of teachers was 2,600, and in 1874 the number was 3,100. There was, therefore, very good hope that an ample supply of teachers would be forthcoming. As to Inspectors, they had been extremely happy to provide five additional Inspectors, whom, it was hoped, would be of great assistance to the cause of education. With respect to attendance, there was every reason to be proud. For the year 1873, the average attendance was 220,000, which rose in 1874 to 263,000, being an increase of 20 per cent, and in the present year he found that the increase had been still greater, amounting to 23 per cent. He found that the new Code had been largely taken advantage of, and that many schools had got an increased amount of the public money. He congratulated them upon this fact, as he believed it meant a greatly increased amount of learning in the schools. The House was probably aware that the Department had thought it better this year to interfere as little as possible with the Scotch Code; but he could not hold out any hopes to Scotland that she could expect to be left alone as to her Code. As far as his knowledge went, the work



of education was prospering under the Act passed two years ago for Scotland.

MR. RAMSAY said, he would have been glad to have stated some of the facts respecting the working of the Scotch Education Act had it been at an earlier period of the evening, but he could not do so at that hour of the morning. As regarded Shetland, he must say that he believed nothing would more tend to relieve the poverty of the people living in that district than their efficient education, and the noble Lord might discharge from his mind any apprehension that by reason of the recent educational Vote there would be depopulation in any part of Scotland, even among the hardy race of the Shetland Isles.

Original Question put, and *agreed to*.

(4.) Motion made, and Question proposed,

"That a sum, not exceeding £4,997, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for the Salaries and Expenses of the Board of Education for Scotland."

MR. M'LAREN said, this was an important Vote, and could not be discussed at that hour of the night. At all events, the Government ought to say what they intended to do respecting the Scotch Education Board, which would soon expire. He begged to move that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. M'Laren*.)

VISCOUNT SANDON said, the Government would use the powers they possessed to continue the Board temporarily for two years. He was not prepared at present to state what the intentions of the Government were as to the permanency of the Board.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

Resolutions to be reported *To-morrow*;

Committee to sit again *To-morrow*.

#### POOR LAW AMENDMENT BILL.

(*Mr. Sclater-Booth, Mr. Clare Read.*)

[BILL 217.] SECOND READING.

Order for Second Reading read.

MR. SCLATER-BOOTH, in moving that the Bill be now read a second time, said, it embodied many of the suggestions of the Select Committee of 1873, for entrusting the Local Government Board with certain powers with reference to local administrative arrears. The Bill would not touch the sacred boundaries of counties, but dealt only with parishes and unions. It would contain provisions under which certain isolated portions of parishes might by Provisional Order be added to the unions with which they were geographically mixed. Certain small parishes would be added to other larger parishes, and power was taken to dissolve certain unions, the object being, as far as possible, to assimilate the union map to the county map of England. The Bill was also an omnibus Bill, and would contain several provisions for the better administration of the Poor Law.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Sclater-Booth*.)

MR. WHITWELL approved of the Bill, but the clauses would require careful consideration. He suggested the adjournment of the debate.

MR. DILLWYN moved that the debate be now adjourned.

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Dillwyn*.)

SIR WALTER BARTELOT supported the Amendment. The Bill might or might not be of advantage to the public, but it required to be thoroughly discussed. He doubted if it was wise or prudent to bring in such a Bill at so late a period of the Session.

Question put, and *agreed to*.

Debate adjourned till *Monday next*.

House adjourned at a quarter after One o'clock.

## HOUSE OF LORDS,

Friday, 2nd July, 1875.

MINUTES.] — PUBLIC BILLS — *Committee* — Ecclesiastical Fees Redistribution \* (161-187). *Committee—Report*—Salmon Fishery Act Provisional Order (Taw and Torridge) \* (156). *Third Reading*—Registration of Trade Marks \* (167); Local Government Board's Provisional Orders Confirmation (Abingdon, Barnsley, &c.) \* (147); Local Government Board's Poor Law Provisional Orders Confirmation (Oxford, &c.) \* (150), and passed.

## NORWICH ELECTION.

The Lord Steward acquainted the House that Her Majesty had appointed *Tuesday* next, at Three o'clock, at Windsor Castle, to be attended with the Address of both Houses on the Norwich Election. A message sent to the Commons to inform them thereof, and that the Lords had appointed the Lord Chamberlain and the Lord Steward to attend Her Majesty therewith on the part of this House, and to desire the Commons to appoint a proportionate number of its members to go with them.

## ROYAL NAVY—PROMOTION AND RETIREMENT.—OBSERVATIONS.

THE EARL OF CAMPERDOWN, in rising to call attention to the subject of Promotion and Retirement in the Royal Navy, said, that as their Lordships were aware, great alterations had recently been made in the system of officering the Service, and that system was still in the process of development. The change effected was a change of principle—the details were very far from being worked out, and would require to be watched most carefully by the Admiralty and Parliament for years to come. The first object which the Admiralty must have in view was, of course, the requirements of the Service, but it was also necessary to take into consideration the position of the present officers under the system which formerly existed. The evil of non-employment in the Navy was felt so forcibly previously to the year 1870, that in that year the Government then in office brought forward a scheme of retirement which had, he believed, on the whole, worked successfully. Comparing the Navy List for the 1st of April, 1870, with the List as it stood on the 1st of June, 1875, which were the latest Returns, he found that while at the former time there were 81 flag-officers unemployed there were now only 38. At the former period there were 199 captains on half pay; now there were only 88.

There had been a reduction in the number of commanders and lieutenants also. These figures were satisfactory, except in respect of the last-named grade; but the truth was the lists of the junior officers were very much over-crowded in 1870. They were much less so now, and in these lists he hoped there would be a further improvement. He found that whereas in 1870 there were 1,134 sub-lieutenants and officers of other junior ranks; now there were only 755. It might, perhaps, be thought that those lists had been too much diminished; but it was not difficult to show that such was not the case. As regarded lieutenants, there was no reason to suppose that for some years, at least, the list would be reduced under 700. That, however, was a point for the future, and he was fully alive to the fact that the lieutenants were the backbone and strength of the Navy, and preferred looking forward to the list as it might be some years hence, rather than dwell on its present position. Some two years ago, Mr. Goschen devised a scheme for the employment of lieutenants in navigating duties. He set aside a number of them to be employed in those duties, with the idea that at a future time it might be possible to abolish the distinction between them and the class of navigating lieutenants. He would like to hear from his noble Friend opposite (the Earl of Malmesbury) how the experiment had worked, and whether the present Board of Admiralty had any intention of abolishing the distinctive rank of navigating lieutenant? There was another point to which he desired to direct attention. As it was necessary to reduce the number of officers on the Active List, it would be necessary that as many as possible of those retained on the list should be combatant officers, and he could see no reason why the duties of secretaries and paymasters should not be discharged by combatant officers, as in the Army. He could not but think it was desirable to reduce, as far as possible, the non-combatant branch of the Service. Besides the system of retirement one of promotion was inaugurated, in 1870. The latter could not be applied to the higher grades of officers for years to come; and, till this was the case, the Admiralty would have to contend with crowded lists of officers in the superior grades. It

appeared that in the year 1873, five captains were promoted to the rank of admiral; seven commanders to that of captains; and 18 lieutenants to that of commander. In 1874, three captains to be admirals; eight commanders to be captains; and 15 lieutenants to be commanders. In the period of 1875 already expired, 4 captains to be admirals; four commanders to be captains; and 14 lieutenants to be commanders. The working of the new system had, therefore, produced some good; but he was prepared to admit that with the present lists there was a great want of promotion in the Navy, and that want of promotion tended to produce discontent among the officers. He believed it had been stated in "another place" that the Admiralty had another scheme for the mitigation of the evil under consideration, but thought it was not quite time to promulgate it. He hoped that whatever they might do they would not interfere with the principle of the scheme of 1870. All things considered, he did not think the promotion under that scheme had been very inadequate, but he thought that something should be done with reference to commanders and captains. He believed it to be desirable that there should be a minimum of promotions for the present to the ranks of commander and captain. In the same ratio as there was an addition to the promotion in those ranks there would be a greater want of employment, but it appeared to him that of the two evils a want of promotion in those ranks was the lesser one. He was, however, aware that if the rank of navigating lieutenant were abolished it would be necessary to some extent to increase the establishment of commanders and to a slight extent the establishment of captains. With regard to the permanent measures to be adopted, he hoped the number of cadets would be kept down. He thought that up to the present time the present Board of Admiralty had exercised a wise discretion in this respect. This year they had entered more than they did last; but for that he thought he could see reasons—but the inevitable tendency was to enter too many cadets, and this ought to be guarded against. He hoped the Admiralty would continue, as a permanent measure, to permit lieutenants to retire from the Service irrespective of age. It might at first sight appear to be a rather extravagant

plan to allow officers to retire after only eight or ten years' service; but he thought it was for the interest of the public, as well as of the Service, that it should be allowed. Their Lordships would remember that it was proposed that the number of lieutenants should not be at any time less than 800. The number of commanders would not be more than 200. How were 600 lieutenants to be promoted into those 200 posts? It was impossible that they could all come to the rank of commander, and there was still less chance of their reaching that of captain. By allowing retirements a better chance would be left for men who were determined to remain in the Navy and make it their profession. He was completely in favour of the abolition of the privilege of "haul down vacancies." The promotions which used to be made under these privileges were much better in the hands of the Admiralty. He was convinced that in a short time it would be necessary to introduce selection in the making of Flag officers. Only within the last three or four years, two or three officers possessing high claims had been lost to the Service because that system was not in force. He would quite admit that even under a system of selection good officers must occasionally be lost; but he contended that seniority alone ought not to determine who was to be an Admiral, and that whether a man should be Admiral of the Fleet ought not to depend on the age at which as a captain he attained his promotion. He further believed that in course of time the feelings of the officers themselves would be in favour of selection. There was a dislike on the part of officers to go on the Retired List. That disinclination arose from a commendable feeling, and had its origin at a time when there was scarcely such a thing as a Retired List; but now that retirement in all branches of the public service had become a necessity, and that some of the most distinguished officers were on the Retired List, and that the change from the Active List to the Retired List was only one in name, there was no longer the good reason for that feeling which existed at a time when retirement was justly regarded as a reproach. He felt obliged to their Lordships for having listened to his statement; but he felt that in their Lordships' House no apology was neces-



sary for having brought forward such a question as promotion and retirement in the Royal Navy.

THE EARL OF MALMESBURY said, he entirely concurred in the closing remark of his noble Friend; but their Lordships would bear him out when he said that promotion and retirement in the Navy were very old themes. The want of employment in the Navy and the consequent discontent among the officers were also very old themes, and had been many times discussed in that and the other House of Parliament during a great number of years. From the time of the Battle of Waterloo, which gave us 40 years of peace, till the war in the Crimea, Parliament heard constantly of the discontent of naval officers, arising from the same cause. After the close of the Crimean War, the same cry commenced again; and though successive Ministries had attempted to grapple with the difficulty and had devised various schemes for putting an end to the discontent, he must own that it existed at the present moment, and in all probability would continue to exist after any other scheme that might be devised hereafter. To show their Lordships for how long a time and how constantly this subject had been discussed in Parliament, he might mention that as far back as 1833 a Committee was appointed to consider it; in 1840 there was another such Committee, presided over by no less a personage than the Duke of Wellington; and in 1863 there was another. But of these several Committees nothing very practical had been the result. But to come to 1870, in this latter year a scheme was promulgated by the late Government which it was very natural that his noble Friend should praise, and which, it was promised, was to have relieved us very much from the complaints to which he had referred. Nobody would have been more glad than himself if he could say that the scheme of 1870 had proved entirely successful, and that the discontent of the officers of the Navy and the want of employment in that Service had ceased; but he was sorry to say that was not the case; and Her Majesty's present Government were again obliged to consider whether a better arrangement could not be devised. He was actively directing the subject—of that he was sure. His Lordships—but he was not at their scheme

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would be. They had not only to contend with the difficulties arising from the grievances of the officers, but also with the difficulties of the financial aspect of the question. Whether in respect of the arrangements for the Army or of those for the Navy, finance was an element which the Government of the day must ever keep in its consideration. One thing at least was certain—that if there were increased facilities of promotion there must be an increased military expenditure in time of peace. The calculation which the Government had made as to the progress of promotion was certainly not promising. At the present rate the list of captains could not be brought down to 150 before the year 1885, and in the lower ranks the progress of reduction would be still slower. He entirely concurred in what his noble Friend (the Earl of Camperdown) had said as to selection in the case of Flag officers. Of course it would be impossible to convince officers who had been passed over that the promotion had been given to better men than themselves; but promotion by selection was inevitable in the Navy. It must be so in the Army too, now that the non-purchase system had been adopted. In a time of peace the country could not pronounce its verdict as to the results of selection; but if war should break out it would require that the best men should fill the important posts. What it would require was that apparently the best men were selected, and he believed that whatever Party might be in power, the Government of the day would, without favour, appoint the men who appeared to be best fitted for the duties they had to perform. The question put by his noble Friend as to the appointment of combatant officers to discharge the duties of Secretary and those of Paymaster was one which he could not answer without notice. He agreed with what his noble Friend had said about cadets; but if the Admiralty did away with navigating lieutenants a few more cadets must be entered. He said that the noble Earl had done good service to the Navy by drawing attention to the subject, and by reminding Her Majesty's Government of some points which the Admiralty desired should be carried out.

THE DUKE OF SOMERSET said, he hardly knew what object his noble Friend below him (the Earl of Camperdown) had in calling attention to this subject

at the present moment, seeing that he approved the course which was now being pursued. For himself, he had no fault to find with the course which Her Majesty's Government were pursuing. He desired to point out that it was impossible for Parliament to lay down the number of captains and commanders and lieutenants who should be on the establishment at any given time. That must be left to the Department. We had made great alterations within the last few years. When he was at the head of the Admiralty we had a "little war" with China; and when he sent out vessels to take part in that war there was a want of lieutenants; consequently he was obliged to increase the number of cadets in order to bring in lieutenants. Since then a few large iron-clads had been substituted for a greater number of other vessels, and by reason of that change fewer lieutenants were required. It was impossible to lay down what must be the number of officers in time of peace. We must have too many officers in time of peace in order to have officers enough in time of war. Wars sometimes broke out suddenly, and a lieutenant could not be made under five or six years. As it was impossible to avoid a superfluity of officers at all seasons, so at some we must have a certain amount of discontent and dissatisfaction. That was an unfortunate thing, but it could not be avoided. All the Admiralty could do was, from time to time, to devise some scheme to provide for the redundant officers. He did not believe that any scheme of the kind would last for very long, and he thought it would be idle for him or anybody else to lay down any self-acting scheme with the idea that it could be made permanent. It must be left for the Admiralty of the day to deal with the difficulty they found on their hands, and to devise such schemes as the occasion might require.

LORD DUNSANY said, he agreed that the noble Earl had done good service by drawing attention to this important subject; but he did not quite agree with him that it was desirable to offer great encouragement to retirement. If it really were the case that retirement was merely a change in name, he would concur with the noble Earl (the Earl of Camperdown) that officers might adopt it without repugnance; or if it was a fact that an officer on the Retired List

might be called on in time of war, then no harm could be done by retirement; for it was impossible in the present experimental state of the service to fix the exact number of officers that might be required. The time must come when we should have a large force of gun-boats, and these would afford considerable employment. He hoped, however, that care would be taken to prevent those boats from going to rot when they were not on active service. About 200 were built at the time of the war in the Crimea; but they were scarcely ever heard of after. Looking at what had been done by the gallant Gentleman who established the Corps of Commissioners, and who by his private efforts found them employment, he would suggest whether the Government might not, in the Civil Service, find something to do for officers who were on the retired lists of the Army and Navy.

#### ECCLESIASTICAL FEES REDISTRIBUTION BILL—(No. 161.)

(The Lord Archbishop of Canterbury.)

##### COMMITTEE.

House in Committee (according to Order).

Clauses 1 to 5, inclusive, *agreed to*, with Amendments.

Clause 6 (Payments out of Fee Fund).

THE ARCHBISHOP OF CANTERBURY said, it had only just come to his knowledge—for there were secrets connected with the fees in question, which it took some time to discover—that there was a sum of £1,200 which under an Act of Parliament was available from certain ecclesiastical fees, now waiting at the office of the Bounty Board for some one to claim it. He intended, therefore, on the Report to bring up an Amendment inviting their Lordships to give authority to the Governors of Queen Anne's Bounty to appropriate this sum of £1,200 for the purposes of the Fee Fund mentioned in this Bill.

Clause *agreed to*.

An Amendment *moved*, and, on Question, *resolved in the negative*.

Amendments made: The Report thereof to be received on *Tuesday* next, and Bill to be *printed*, as amended. (No. 167.)

*The Duke of Somerset*

## METROPOLIS—HYDE PARK CORNER.

## QUESTION. OBSERVATIONS.

LORD REDESDALE asked the Lord President, Whether it is intended to make the road from Piccadilly to Grosvenor Place (the model of which has been deposited in the House of Commons) during the present year? The subject was one, he said, of considerable importance to the inhabitants of the metropolis generally, and nobody, he thought, could have witnessed the stoppages which were constantly occurring at Hyde Park Corner without feeling that something ought to be done to remedy the daily inconvenience which they created. The road which was proposed in accordance with the plan which had been laid before the House of Commons was one which would run from Piccadilly at the end of Hamilton Place under Constitution Hill to Grosvenor Place; and that road, if carried out, would take away from the block at Hyde Park corner the whole of the traffic coming down Hamilton Place and that along Piccadilly, proceeding to Belgravia. He could not, he might add, understand why the plan should have for so long a time been placed before the House of Commons without any steps having been taken by those by whom it had been suggested to carry it into execution. The expense of doing so had, he believed, been estimated at £12,000, which, as the distance could not be more than about a furlong, would be at the rate of £96,000 per mile; but he could not think it would cost so much, as there would be nothing to be done beyond the work of excavation and the building of a bridge, and placing iron railings on both sides of the road—for the land which would be given up by the Crown would cost nothing. He hoped that the road, if constructed, would be a public road without gates. He was aware that another plan had been suggested by the Duke of Westminster, who, of course, was deeply interested in the approaches to a part of the town where he held such valuable property. The gist of that plan was to carry another road to Piccadilly on the other side of the arch on which the statue of the Duke of Wellington was placed, widening Grosvenor the arch. Now, the objection was that it would not a Park Corner.

He therefore thought the plan proposed by the Government was the preferable one. It offered great advantages for the public convenience; it had now been before the public a sufficient time for opinion upon it to have matured; and it would be much to be regretted if steps were not taken to carry out the improvement before they came together again next year.

THE DUKE OF RICHMOND believed that the model which had been placed in a Committee-room of the other House had been very generally approved. It was thought that the execution of the plan would afford the relief to the traffic which was no doubt required. As to the question of expense, he was not prepared to enter into that. The noble Lord had said the cost would be about £12,000.

LORD REDESDALE said, he understood that was the estimate at the Board of Works.

THE DUKE OF RICHMOND: As soon as the model had been finally approved and adopted as the mode of meeting the difficulty of the enormous amount of traffic in that quarter, it was the intention of the Government, before the end of the Session, to take a Vote this year for the purpose of making the road, which would be commenced in the autumn, and he hoped that at an early period next year it would be opened to the public. Of course, it would be unwise to commence such a work as that until there were fewer people in London, which would be the case in the autumn.

House adjourned at Seven o'clock,  
to Monday next, a quarter  
before Five o'clock.

## HOUSE OF COMMONS,

Friday, 2nd July, 1875.

MINUTES.]—SUPPLY—considered in Committee  
—CIVIL SERVICE ESTIMATES.—Class II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS.

PUBLIC BILLS—Ordered—First Reading—Elementary Education Acts Amendment\* [234].  
First Reading—Drainage and Improvement of Lands (Ireland) Provisional Order\* [231];  
Local Government Board (Ireland) Provisional Order Confirmation (No. 2)\* [232];  
Public Records (Ireland) Act, 1867, Amendment\* [233].

Second Reading—Drugging of Animals\* [184].



*Committee—Report—Pacific Islanders Protection* \* [182]; *Bridges (Ireland)* \* [226]; *House Occupiers Disqualification Removal (Scotland)* \* [210].

*Considered as amended—Police Constables (Scotland)* \* [213]; *Infanticide* \* [43].

*Third Reading—Summary Prosecutions Appeals (Scotland)* \* [191], and *passed*.

#### NAVY—H.M.S. "DEVASTATION."

##### QUESTION.

MR. GOSCHEN asked the First Lord of the Admiralty, Whether he has received any report as to the present state of Her Majesty's ship "*Devastation*" in respect to ventilation, and, whether he can give any information to the House as to the health of the crew?

MR. HUNT: Sir, since the right hon. Gentleman put this Question on the Paper I have received a special report as to the ventilation of the *Devastation* and as to the health of her crew. It is more recent than the Report an extract from which appeared some time ago. I hold in my hand a letter from Captain Richards, of the *Devastation*, forwarded by the Commander-in-Chief on the station, and as the matter has attracted a good deal of attention perhaps I may be allowed to give a rather long extract. It is dated Ragusa, June 17, 1875, and states that—

"As a matter of fact, the ventilation of the *Devastation* in harbour, or in ordinary weather at sea, is much the same as that of any other vessel, and it has not really been necessary for any consecutive 12 hours during the two and a-half years of the ship's commission to stop the natural circulation by closing the hatches. When it is necessary to do that in bad weather, the officers and crew are not subject to more inconvenience than would be experienced in a vessel of ordinary construction battened down under like circumstances; but, on the contrary, the comprehensive system of artificial ventilation by which fresh air is introduced into every part of the ship at once is an advantage which no other vessel would possess. Under the fine-weather condition of the present cruise in the Adriatic, with the tops of the turrets and all hatches constantly open, it was not necessary to use the fans, but for the additional comfort of the officers who sleep below two are usually worked at night, and in this respect the *Devastation* has the decided advantage over other ships in close or sultry weather, of having a fresh current of air constantly circulating below, and she is certainly the sweetest ship between decks I have yet served in. Herewith, I have the honour to enclose a nosological Return from the Staff Surgeon for the period included between the 5th of May and the date hereof (17th of June), which shows that the ship's company have enjoyed an immunity from sickness since the arrival of the ship at Malta, for which, I venture to say, it would

be difficult to find a parallel in the fleet. At the present moment, but for the five cases of contusions and sprains caused by accidents, there would not be a man upon the sick list."

#### EDUCATION—NATIONAL SCHOOL BOARD (IRELAND)—DISMISSAL OF THE REV. J. M'KENNA.—QUESTION.

MR. LESLIE asked the Chief Secretary for Ireland, Whether his attention has been called to the dismissal, by the Commissioners of the National Board in Ireland, of the Reverend J. M'Kenna, P.P., from the post of manager of a National School in the county of Monaghan; and, if so, whether it is true that an investigation on public grounds was asked for and refused by the Commissioners, and that, contrary to one of the written Rules of the National Board, the manager of a School was dismissed without investigation made and due notice given to all parties concerned?

SIR MICHAEL HICKS-BEACH, in reply, said, he had made inquiry respecting the case referred to by the hon. Gentleman and found there was no truth in the statements advanced. The real facts of the case were these—In March last Mr. M'Kenna was charged with having used his position as manager of a National School to induce the teachers of those schools to interfere in the election of Poor Law Guardians in contravention of one of the rules of the Commissioners. Mr. M'Kenna was informed that an inquiry would be held, and requested a postponement of the date fixed for it in order that he might obtain evidence from America. This request was granted, but an application for a further postponement was not acceded to, whereupon Mr. M'Kenna absolutely refused to attend the inquiry. As the Commissioners could hold no inquiry in the absence of the principal person concerned they dismissed him from the position of manager of the schools.

#### VALUATION OF PROPERTY (METROPOLIS).—QUESTION.

MR. HUBBARD asked the President of the Local Government Board, Whether he can explain the cause of the general increase in the valuation of property in the metropolis, which has occasioned so much discontent; and, whether the increased valuation has been occasioned by instructions from the

Local Government Board, with or without concert with the Inland Revenue Office; and, if such instructions have been issued, whether he will lay them upon the Table of the House?

MR. SCLATER-BOOTH, in reply, said, he was not aware that there had been a general increase in the valuation of property generally, though he knew there had been complaints of an increase in many parts of the metropolis. The cause, no doubt, of those complaints was that the quinquennial period had arrived when, in accordance with the Act of Parliament, a new valuation of the property in the metropolis had to be made. The new valuation would not come into operation till the 5th of April next, and in the meantime all persons who thought themselves to be injuriously affected by the assessment might appeal to the Assessment Committee and afterwards to the Sessions Assessment Committee. No instructions had been or could be issued from the Local Government Office in the matter, because the Local Government Board had no jurisdiction over the valuation of the metropolis. Nor had any instructions, as far as he was aware, been issued by the Inland Revenue Department, though they might have documents in their possession of importance in their bearing on the question, seeing that they had a voice in the preparation of the lists which served as the basis of the assessment. His right hon. Friend had sent him some valuations made by a private surveyor, showing a great discrepancy between his notions of the value of property in certain districts of London and the valuations proposed to be assigned by the overseers of the parish. No doubt the opinion of such a valuer would go for what it was worth before the Assessment Committee. His right hon. Friend had also sent him a statement of rents and a comparison between them, and the rents actually paid. If such rack-rents differed materially from the valuations proposed to be assigned by the overseers, that, in his opinion, would be a good ground of appeal.

In reply to Mr. HANKEY,

MR. SCLATER-BOOTH said, the Papers had been submitted to him privately, and therefore he could not lay them on the Table.

#### CRIMINAL LAW—SALE OF CATAPULTS.—QUESTION.

COLONEL EGERTON LEIGH asked the Secretary of State for the Home Department, Whether there is any power to prevent the sale of catapults, or to take them away from anyone who might use them?

MR. ASSHETON CROSS, in reply, said, that the use of catapults was regulated by 2 & 3 Vict. c. 47. As to taking them away from those who might use them, their use would be an offence in any public place in towns; and by the "Towns Police Clauses Act," 10 & 11 Vict. c. 29, it would be an offence in any urban sanitary district to which that Act applied. It was also a punishable offence to use them anywhere within the Royal Parks.

#### PARLIAMENT—WITNESSES—INSPECTORS OF COAL MINES.—QUESTION.

MR. SERJEANT SPINKS asked the Secretary of State for the Home Department, Whether, having regard to the provisions and intent of the Coal Mines Regulation Act, 35 and 36 Vic. c. 76, s. 44, Her Majesty's Inspectors of Coal Mines should be permitted to attend as witnesses before Parliamentary and other tribunals, and to give evidence there, upon the terms of receiving special fees and remuneration in excess of the allowance for expenses out of pocket, and otherwise, ordinarily made to witnesses of that class; whether such inspectors are entitled, on occasion of giving evidence, to produce and use, without express permission from Government, maps, plans, surveys, and other documents furnished to or obtained by them in their official capacity; and, whether he will, if necessary, make and enforce regulations on the subject?

MR. ASSHETON CROSS, in reply, said, Her Majesty's Inspectors of Coal Mines could not refuse to attend as witnesses before Parliamentary and other tribunals if they were summoned by the Speaker's Warrant or by subpoena. The same rule applied as in the case of an ordinary subpoena *duces tecum* to produce official documents in a Court of Law. When called to give evidence they might attend with documents obtained by them in their official capacity; but if, in the Secretary of State's opinion, it



was not for the benefit of the public service that the documents should be produced, instructions were given to the officer to state that circumstance to the Judge, who in such cases invariably refused to allow the production of the documents. The Inspectors of Coal Mines were not permitted to receive special fees and remuneration in excess of the allowance for their expenses as witnesses, nor were they permitted to use any special information they might have received in the course of their employment as confidential communications, whether such communications were in the nature of maps, plans, surveys, &c., required by the Coal Mines Regulation Act, to be kept secret or otherwise. He was not aware of the necessity of making any special regulations on the subject; but if the necessity were shown, he should do so.

IRELAND—CORK HARBOUR—REMOVAL OF DAUNT'S ROCK.—QUESTION.

MR. M'CARTHY DOWNING asked the Secretary of State for War, Whether any plans likely to be practicable have been proposed for the removal of Daunt's Rock, off Cork Harbour; and, if further trials are thought desirable, whether the Government will carry them out during the present summer weather; and, whether any Report has been furnished of the trials already made, and to what effect?

MR. GATHORNE HARDY, in reply, said, that Questions respecting "Daunt's Rock," off Cork Harbour, ought to be addressed to the Board of Trade rather than to the War Office. He did not think it was in the power of anybody to state at present whether any plans likely to be practicable had been proposed for the removal of the rock. A Report, made by the officials engaged in the experiments was now under the consideration of the Board of Trade, and that Department would probably be able in the course of a few days to give an answer to the hon. Gentleman.

INDIA—THE GAIKWAR OF BARODA. QUESTION.

MR. ALEXANDER M'ARTHUR asked the Under Secretary of State for India, Whether it is true, as reported in the "Times of India," that since the deposition of the Gaikwar his legal

advisers have not been allowed access to him; and, whether application for such permission has been made by telegraph to the Secretary of State; and, if so, what reply has his Lordship returned?

LORD GEORGE HAMILTON: Sir, I believe application has been made by the Indian legal advisers of the Gaikwar for access to him, and a similar request was made to the Secretary of State on Tuesday last by his legal advisers in England. The Secretary of State is at the present moment in communication with the Government of India upon this matter, and if the hon. Gentleman will repeat the latter part of his Question a few days hence, I shall then be able to communicate to him the decision which has been arrived at.

SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

NAVAL COLLEGE FOR CADETS — REPORT OF THE "BRITANNIA" COMMITTEE.—RESOLUTION.

MR. EDWARDS, in rising to call the attention of the House to the Report of the Committee appointed by the Admiralty to inquire into the system of training Naval Cadets on board Her Majesty's ship "Britannia," and to the considerations which ought to govern the authorities in the selection of a site for the proposed Naval College; and to move—

"That, before establishing such College at Dartmouth, it is desirable to consider further the advantages offered by other places,"

said, that since his Notice had been placed on the Paper, the question of the fitness of Dartmouth for a Naval College had been discussed in "another place." He believed hon. Members would agree with him, that in selecting a place for a Naval College regard should be had first to the climate, and secondly, to the physical advantages offered for the training of cadets in their future profession; and he thought that any Government would pause before expending a large sum of money, if it could be shown that the place selected did not offer all the desired requirements. Now, in selecting Dartmouth as the site of the Naval College



for the training of cadets, the Government had without doubt selected what they thought was the best site, but he believed that a calm consideration of all the facts would induce the Government to re-consider their determination. There were several questions which demanded to be settled before the site for such a College as that now proposed should be erected. In the first place, the situation should be healthy; in the second, it should afford the cadets an opportunity for boating and shipping practice, and generally of familiarizing themselves with the details of their profession; and, in the third place, it should be centrally situated and should have ample railway accommodation to meet the requirements of cadets who come from all parts of the country. The place chosen by the Admiralty had not one of these advantages. The Report of the Committee appointed by the Admiralty showed that conclusively; and he would detain the House only a few minutes whilst he read a few extracts from the testimony of medical officers on board the *Britannia* before the Committee. Mr. Eugene de Merie, Surgeon, R.N., long resident on board the *Britannia* at Dartmouth, said, in answer to Question 218—

"What is your opinion of the climate of this place?—It is relaxing. I do not think it bracing enough. My friends and people I know coming from Torquay to see me here, say they find it more relaxing than Torquay."

"Q. 219. It is more relaxing than Torquay?—Yes. I believe that is because it is so much buried between two hills."

"Q. 220. Is there any difference in the climate or air on board the *Britannia* and the climate of the cricket-field?—There is."

"Q. 221. Is it apparent to you?—It is generally pretty apparent when you go on shore. It is much warmer there than it is on board ship."

The witness went on to say that when the boys went on shore for an hour's recreation, one-third of them simply sat about the beach. They did not care to go up the long hill to the playground. Dr. Dalby, R.N., said—

"There was an objection to the river, because the sewage of Dartmouth emptied itself into it; and, of course, with the tide it came up as far as the proposed site, and in that respect the river all the year round was objectionable."

He further said—

"Q. 527. With regard to the sewage of the town of Dartmouth, is it a fact it is drained by sewers opening into the river?—Yes."

"Q. 528. Are you sure of that?—Quite certain; there are few cess-pits. The sewer from

the Sick-quarters Hospital comes right down into the river."

"Q. 529. There is a drain into the river then?—The drains generally are carried into the river. There are very few cess-pits."

"Q. 532. Do you think that that could produce any sensible effect upon the water here?—I am inclined to think that it might."

Sir Alexander Armstrong, R.N., Medical Director General of the Navy, also said—

"Q. 2051. Have you formed any opinion as to the climate of Dartmouth, whether it is prejudicial or not to the cadets?—I should think that Dartmouth is not the place I would choose for a training ship myself, because I think it is in a harbour which is very much sheltered and surrounded by high land, and it has not the cheerfulness about it which would make it suitable for a training ship. I think it is relaxing, and that the whole of that part of Devonshire is relaxing."

"Q. 2052. You know, doubtless, that the *Britannia* was for some time at Weymouth?—Yes; she was at Weymouth, I know."

"Q. 2053. You would probably have no objection to the climate of Portland?—Portland, I should say, was very good."

"Q. 2056. Are you of opinion that the West of England generally is objectionable as a place for the training of cadets?—I think that better sites might be selected. I think that the West of England, as everybody knows, is a relaxing climate."

"Q. 2057. Is that relaxing climate, in your opinion, objectionable, in respect of health, to the boys?—I should think so, certainly."

"Q. 2058. Are there not differences of opinion as to whether the relaxing nature of the climate is bad for the boys, or not?—I think I should be disposed to put the boys in a more invigorating climate."

"Q. 2059. Have you any objection to the anchorage of Dartmouth in itself?—Well, I think, for the reasons I have stated, Dartmouth is not a favourable locality for a training ship."

"Q. 2060. That is because it is relaxing?—Yes; and I do not think that the sanitary state of the town is very favourable. I am not at all sure that the drainage is in a satisfactory state; there has been a great deal of isolated scarlatina and other disease amongst the people there; measles, smallpox, and so on. I believe that the drainage is defective in the town itself."

These opinions alone would be sufficient to condemn Dartmouth as a site for a Training College for naval cadets. Indeed, one was at a loss to see what special advantages Dartmouth possessed in any respect as a site for such a College. It was objectionable in its situation with regard to the sea; for at Dartmouth the cadets could have scarcely any proper facilities for making themselves acquainted with naval or maritime matters at all, there being hardly any opportunities for seeing either ships or commerce. It would have been better

to select a place where the naval cadets could at least see a ship. From year's end to year's end Her Majesty's ships were never seen at Dartmouth. Not a merchantman approached. It was not even a boating place. The tides were strong, squalls very heavy, puffs of wind uncertain and sudden in the harbour, where regular little whirlwinds blew. If no accidents happened to the cadets, it was because the boats were half-decked, well-ballasted, and undermasted. He could not see the slightest benefit which could possibly result from establishing a College at the spot proposed, because there would be no chance of imparting to the students the practical knowledge they stood in need of. Again, to build a College at the extreme end of England would entail enormous expense upon the relatives and friends of those who were to enter, and that was an important consideration. Several high authorities, amongst them Lord Hampton, had asked the Admiralty to reconsider the matter, and he would point out that this was in no way to be regarded in the light of an ordinary school. Candidates for admission were required to undergo a medical examination before being sent to the *Britannia*. Why, after that preliminary examination, send down healthy lads to a place where their health would be undermined? The First Lord of the Admiralty said he had received suggestions as to the site all along the coast from the River Orwell to Penzance, and that a Committee of gentlemen had been appointed to inquire into the merits of the various places, the result being that upon official Reports four places were selected for the consideration of the Admiralty—namely, Portsmouth, Poole, Portland, and Dartmouth. [Mr. HUNT: It was not a Committee, but an official inspection.] At all events, four or five places had been spoken of; but he maintained that Dartmouth, which was the place selected, did not possess advantages superior to those to which any of the other proposed sites could lay claim. Portsmouth, being a garrison town and seaport, it was already felt there were circumstances rendering it undesirable that the training ship itself should any longer continue there, and those objections, it was almost needless to say, would be much stronger in the case of a Naval College. Neither the First Lord

*Mr. Edwards*

of the Admiralty, who visited Poole during the Whitsuntide Recess, nor the Naval Lords, were favourably impressed with that place. Branksea Island could not be thought of, because the boys would be devoured by mosquitoes. Then they came to Portland, where it was said the sea was rough and the boys would get drenched if they went out. There was a convict prison there, and the country about was said to be so limited and unsuited for purposes of health or recreation, that it was really the last place that could be thought of for the site of a great and important College. In fact, the College would simply be in the neighbourhood of a great quarry. Now no one would think of establishing the College at Portland, but it should be remembered that the harbour was landlocked, and that in going round the bay they arrived at Weymouth—the borough he (Mr. Edwards) had the honour to represent—[*Laughter*]—hon. Members might laugh, but the fact was that Weymouth presented everything that was desirable for the establishment of such a College. It had a most magnificent harbour, consisting of a wide, spacious, and open bay, extending to nearly 5,000 acres of beautiful clear deep sea water, upon which the boys could at all times enjoy boating, while at Weymouth they had a charming situation, and beautiful walks. It was said that when the *Britannia* was there before, the boys got drenched when in boats in the harbour; but that was 12 years ago, before the Breakwater was finished, and that state of things no longer existed. Weymouth had now one of the finest harbours in England, where the boys would have every opportunity of seeing Her Majesty's ships. The Channel Fleet sometimes went there, the *Great Eastern* was occasionally in the harbour, and there was every advantage that could be desired. Dr. Alexander Armstrong, while condemning Dartmouth altogether, declared in his evidence before the Committee that Weymouth was very good. He could not see, therefore, why Dartmouth should be taken with all its disadvantages, and Weymouth, with its fine harbour, should be neglected altogether. The convict establishment was on the extreme sea-side of Portland, and a man might live at Weymouth all his life without knowing it was there at all. It might as well be said there were con-

vict establishments in London. The right hon. Gentleman the First Lord of the Admiralty congratulated himself on having selected a site which had beautiful surroundings; but the College was to be 300 feet above the sea-level, and who could imagine naval cadets being placed in such a position as that. Why, it was eminently absurd. What had induced the right hon. Gentleman to adopt such a site for a Naval College he was totally at a loss to understand, and believing that a better site was to be found at Weymouth, he begged to submit his Resolution for the consideration of the House.

SIR H. DRUMMOND WOLFE seconded the Resolution.

#### Amendment proposed,

To leave out from the word "That," to the end of the Question, in order to add the words "before establishing the proposed Naval College at Dartmouth, it is desirable to consider further the advantages offered by other places,"—(*Mr. Edwards.*)

—instead thereof.

MR. EVELYN ASHLEY said, that the inhabitants of Poole took considerable interest in this question, because they had been put into a flutter of excitement by more than one visit from the Lords of the Admiralty within the last few months. Notwithstanding, however, that a gift of land had been offered at Poole, the Lords of the Admiralty had determined not to go there—a decision which he hoped was not absolutely final. As to the sanitary question, why, he would appeal to the hon. Member for Christchurch, who represented one of the leading sanatoria of England adjoining Poole, whether the district was not renowned for its healthy situation? It possessed other advantages—ready access to the sea and an excellent harbour—which, if it were not for a slight obstruction caused by mud at its mouth, would be one of the finest harbours in the kingdom. Poole was also very handy in relation to the dockyards at Portsmouth, and, as far as railway communication was concerned, although not like Clapham Junction, it was infinitely more advantageously situated than was Dartmouth. The only particular objection that had been urged as against a site for the Naval College, was a great mosquito bugbear; but groundless as the other ob-

jections, for he could assert from his own personal experience that at Poole the mosquito was unknown, although in sultry weather there might be a few midges. The Admiralty had been offered a large gift of land at Poole, and the value of that might very well be applied to deepening the harbour, in lowering the bar which formed the obstruction at the mouth to which reference had already been made. In that way Poole might be made available not only as a site for a Naval College, but also for a harbour of refuge. If Poole were not to have the preference, he certainly thought Portland or Weymouth had higher claims than Dartmouth, that Ultima Thule which was 300 feet above the level of the sea.

MR. BAILLIE COCHRANE said, he ventured to differ from the two hon. Members who had just spoken. Having seen a great many of his constituents on the subject, he had come to the conclusion that the very best site that could be chosen for a Naval College was the Isle of Wight. The objections to Portsmouth would entirely vanish if the College were placed at the Isle of Wight, and he trusted that the Admiralty would give that site their best consideration with a view to its ultimate adoption. There was one site which could now be procured coming down to the water's edge, which would give the cadets an opportunity of seeing a deal of shipping from time to time, and the advantage, both with a view to healthiness and other matters, was most desirable. He was quite sure both the hon. Gentleman who brought forward the question and the hon. Gentleman who represented Poole had quite overlooked the advantages of the Isle of Wight.

MR. CARPENTER-GARNIER said, as he had the honour to represent the division of the county in which Dartmouth was situated, he could state that he had himself carefully inspected the proposed site of the Naval College, and he thought it would be difficult, if not impossible, to find a place more thoroughly adapted to the object in view. It possessed the advantages laid down by the Committee. There was easy access to the water, it was near to a good anchorage with a close harbour, and it was removed from a large town. Already considerable expense had been incurred in providing buildings for the



use of the cadets at their landing-place, opposite to the *Britannia*, such as a gymnasium, a large lives' court, and bowling alley, a boat-house, and other buildings of a substantial character. The climate was satisfactory, and he would remind hon. Members that the East wind did not blow in Devonshire with that rigour and frequency observable in some districts, and that, especially in such weather as we had just gone through, was an advantage. The medical officers had reported that the health of the cadets at Dartmouth was good, the hospital being almost untenanted at present, and that the climate had had no bad effect on them, a fact of which the Committee in their Report made especial mention. The hon. Member for Weymouth (Mr. Edwards) placed much reliance on Sir Alexander Armstrong's evidence; but the acquaintance of the latter with Dartmouth appeared to be of the slightest character. It appeared from the evidence, taken before the Committee, that he had only visited the *Britannia* three times, about an hour each time, and during the vacations, when the boys were not there, and could not be examined; and Sir Alexander had formed his opinion upon erroneous returns made to him. The corporation of Dartmouth since 1858 had spent upwards of £16,000 in the improvement of the drainage, and in other sanitary works, and the sewage of the town was carried out beyond low-water mark to the sea. The death-rate in 1872 was only 18.0 per 1,000. The town was small, containing only 5,000 inhabitants, and that again would be an advantage; in fact, the size of the place was the objection he had to Portsmouth, because in a large town the students would be subjected to numerous temptations which it would be better they should be free from. The objections raised to Dartmouth were founded on misapprehension, and the site was in every respect most favourable for a Naval College.

SIR LAWRENCE PALK denied that the climate of Dartmouth was relaxing, like that at Torquay. There were greater differences of climate in Devonshire than in almost any other county in England. He could say from personal knowledge that the site at Dartmouth was by far the most beautiful and the healthiest that could be selected in the

whole kingdom. It was 300 feet above the level of the sea, with a magnificent view of the Channel up and down; it faced the south-west, and was bounded by the Dartmoor Hills, the climate of which was as bracing as any part of Scotland. The harbour afforded every facility for training the cadets, and at all tides, which could not be said for Portland; and besides that, it was far from the contaminating influences of large towns. The hon. Member for Weymouth, no doubt, had duly represented the sentiments of his constituents in this matter; but he (Sir Lawrence Palk) felt confident that what had been stated would in no way induce the Admiralty to alter the selection which they had been fortunate enough to make. There were facilities for obtaining 40 acres more of land if required. The railway accommodation to Exeter was very good. There were two lines from London to Exeter, and very shortly there would be a third, but no doubt the slowest train in the kingdom was between Exeter and Dartmouth, but nothing serious had yet happened from it. He hoped the Admiralty would persevere in their intention of building the College on this site.

MR. CHILDERS said, this was not a political question, not could it be said it had only two sides, for, as far as he could see, it seemed to be a four-sided question, the merits of which were advocated from all sides of the House; but he must bring it back to the special point of the responsibility of the Government in the important matter of the choice of a site. The right hon. Gentleman would have to balance the advantages of the four or five sites which had been suggested. He would have to show that the proposal to establish this institution at Dartmouth was wise in itself, and if he decided to adhere to Dartmouth, he would have to show that the opinions expressed by Sir Alexander Armstrong and the others with respect to the sanitary condition of that site were mistaken. He would also have to justify the establishment of a Naval College at an elevation of some 300 feet above the water, and generally the selection of such a place as Dartmouth in preference to the other sites which had been proposed. Objections had been made to the sanitary condition of Dartmouth, to its elevation above the sea, to its railway communications, and its

general want of facilities for training cadets as compared with other places which had been named; and, while meeting those objections, the right hon. Gentleman would have to substantiate his position that Dartmouth was still the best and most convenient site that could be chosen for the purpose. As to the suitability of Dartmouth, on the grounds mentioned by the hon. Baronet opposite (Sir Lawrence Palk), perhaps he (Mr. Childers) might describe Dartmouth in the language of poetry, slightly altered, as a place—

“Where every prospect pleases  
And only trains are vile.”

He believed there was no precedent for such a proposal. However beautiful the site might be, the place was exceedingly inconvenient. There was another important point to which he would call attention, and that was whether, on the grounds which had been stated, it was expedient to make the great change involved in establishing such a College on shore. The Duke of Somerset caused an inquiry to be made through Admiral Ryder, as to whether it would be convenient to substitute a College on shore for the *Britannia*; and, at that time, the majority of naval officers recommended that there should be an institution on shore for the training of naval cadets. The Duke of Somerset was, however, succeeded in office by Mr. Corry, who, above all men, had studied the question with the greatest care, and he arrived at a conclusion contrary to that of the Duke of Somerset. Acting under the advice of Sir Alexander Milne, the present First Sea Lord of the Admiralty, that conclusion was carried into effect, and upwards of £20,000 was spent in fitting up two ships for training purposes. [Mr. HUNT: £17,000.] The direct expense might be £17,000, but the gross cost, he believed, was between £25,000 and £30,000. It was inevitable that the Committee appointed to look into the arrangements should take evidence on this point, and those who advocated this building on shore were in favour of what they invariably called a College, to which were to be sent young men of 14, 15, or higher ages. In other countries—in France and the United States—these buildings were, strictly speaking, Colleges for young men of 17 and 18. But the Committee's recommendation was not that there should be

a “College,” but an institution on shore to which youths should be sent as soon as they were 12 years of age—the nearer 12 the better—and where they should remain until they were 15; in other words, it was proposed to establish an institution for boys of 12, 13, and 14. Instead, therefore, of training the young men from the age of 15 to 21, as in other countries, this would be a preparatory or lower school for boys of the average age of 13. He asked the House whether—now that the *Britannia*, as a training ship, was working perfectly well—Parliament would be justified in putting the country to the great expense of building what would be a large preparatory school, similar to ordinary preparatory schools elsewhere, where boys went of 12 and 13 years of age? Such a course as that was not justified by one of the witnesses examined before the Committee. The scheme was almost certain to fail, and then there would be a large building thrown on their hands which could not be used for any other purpose. On these grounds he thought his right hon. Friend ought to wait before committing Parliament to what was at least a premature and ill-digested project.

Mr. HUNT, knowing that Dartmouth had been disfranchised and that Weymouth, Poole, Portsmouth, and the Isle of Wight had their advocates, had expected to stand alone, and had been agreeably surprised by the support of two hon. Members for Devonshire. The right hon. Gentleman the Member for Pontefract (Mr. Childers) upon the Motion had raised the larger questions as to whether there should be a College on shore at all for the education of cadets, and as to whether the age at which boys were to be sent to that institution was the right age. For his own part, he certainly was not prepared to have those larger questions raised then, after the discussion which took place upon them when he moved the Navy Estimates. In that discussion, he dwelt upon the matter at some length, and he certainly thought the House had accepted the view that the training of cadets in the *Britannia* should cease and that there should be a building on shore. His right hon. Friend had alluded to the expense of building a College, but not to the expense of training cadets on board the *Britannia*, except as regarded



the cost of the ship itself. The Return moved for by the Secretary to the Admiralty would put the House in possession of the facts; but he might state that the gross cost of the ship was £35,000 a-year, which included the maintenance of the ship and of the ship's company, and also the instruction of the cadets on board, the present number of the cadets being 116, as compared with 100 last year. That was in addition to the £17,000 spent upon the *Britannia*. He ventured to think that the education, if conducted on shore, would be more economical than on board the *Britannia*. As to whether this was a school or a College, it seemed to him a question of terms. The school at Eton was called Eton College, and boys were sent there even at an age younger than that of the boys who were to be educated at the proposed institution at Dartmouth. Therefore, it was matter of little consequence whether it was called a school or a College. The real question was, whether these cadets ought to be trained on board ship or in a College on shore? No doubt there was a difference of opinion on the subject. A great many naval officers clung to the notion of a ship, but the majority of the younger officers had made up their minds that the education could be better conducted on shore, provided it was supplemented by training at sea on board ship. It was proposed accordingly, on the recommendation of the Committee, that during three summer months in their last two years the cadets should be sent to sea in a training ship. The question had been gone into with care by a committee of naval officers, medical men, and distinguished University men, who examined witnesses; and the unanimous conclusion of the Committee was that the *Britannia* ought to be given up and training on shore substituted. The combination of military discipline with school studies was too great a strain on youthful minds; and on that ground anyone who read the evidence would be satisfied that the Committee had come to a sound conclusion. When he paid his first official visit to the *Britannia*, the first thing that struck him was that the boys were kept at too great a stretch from morning to night, except during the comparatively short period they were allowed to go on shore; and the opinion of this Committee coincided with his im-

pression that the strain on the boys ought to be relaxed, and that they ought not to be subjected to the discipline maintained on board a man-of-war. For these reasons, he entirely agreed with the recommendations of the Committee that the *Britannia* should be given up, and that there should be established on shore a College, or—if his right hon. Friend preferred the phrase—a school. At first, he was not in favour of selecting Dartmouth as the site, mainly on account of its remoteness, and while he still held that to be an objection, he did not regard it as being insuperable. Every possible site between the Orwell and Penzance had been carefully considered, and he had come round to the belief that—as he stated in introducing the Navy Estimates—on the whole, Dartmouth was the best site that could be selected. Since the Navy Estimates were introduced, Sir Ivor Guest had, in a most handsome way, offered to present to the Admiralty a site for the College near Poole. He took an early opportunity of visiting the proposed site, accompanied by two of his non-Naval Colleagues, and the opinion he formed was that the site was not an advantageous one, on account chiefly of its distance from the sea. The Admiralty Yacht had to lie out in a not very pleasant anchorage, and the passage into Poole Harbour was found to be a very tortuous one. Not caring to decide a question of this kind on the opinions formed by landmen, he requested two of his Naval Colleagues to visit the spot, and, having done this, they pronounced a most decided opinion that the site would not be advantageous for the purpose. Next, his hon. Friend the Member for Weymouth (Mr. Edwards)—who in this matter most thoroughly performed his duty to his constituents—proposed the adoption of a site near Weymouth, which, he urged, would possess none of the disadvantages which had been alleged against Portland early in the Session. As the only object of the Government was to get the best possible site, he asked the opinion of his Naval Colleagues upon the one proposed by the hon. Member for Weymouth, and they pronounced it to be objectionable and unsuited to the purpose on account mainly of its close proximity to the town and its unsheltered position seawards. They considered it even inferior to the



Portland site, which had been previously proposed and decided to be unsuitable. It therefore appeared to be impossible, in the teeth of that opinion, to accede to the proposal of his hon. Friend. A great deal had been said that night for Dartmouth, and with respect to the remarks which had fallen from his hon. Friend, he was struck with the adroitness with which passages in the evidence of some of the witnesses had been picked out to support the claim of another place; and in the evidence, too, of the same witnesses to whom he was himself going to refer as supporting the claim of Dartmouth, no sword dancer could have shown more agility than his hon. Friend had displayed in skipping between the questions and answers of the witnesses. On reference to the evidence of the same persons it would be found that one of them, Dr. Conolly, the surgeon of the *Britannia*, stated that the climate of Dartmouth was a little moist and relaxing, especially in the winter. He gave his hon. Friend the benefit of all that; but on the witness being next asked the question, whether the climate was so moist or relaxing as to be prejudicial to the health of the boys, his reply was—"Not to any great extent, and I do not think that the climate could be improved." His hon. Friend also quoted in support of his case the evidence of Mr. Dolby, another naval surgeon, who had served on board the *Britannia*; but if he had proceeded further with this gentleman's evidence he would have found that, in his opinion, based upon experience, the climate of the place was good. Such was the evidence of the witnesses which had been quoted in opposition to the building of the College at Dartmouth. Then, as to the Medical Director General, he was opposed to Devonshire generally on account of the relaxing nature of the climate, but in a Report since made by him on the subject, he now, without departing from that opinion, said that Dartmouth was the most suitable site that could have been selected for the purpose in the neighbourhood; the soil was of a light character, the position commanded a picturesque view of the harbour and of the surrounding country, the access was easy for boating purposes, and the distance from town was sufficient to prevent any evil effects that might be apprehended from the drain-

age, while the elevated position of the site rendered the climate there less relaxing than it was in the valley. Two medical gentlemen, Mr. Busk and Dr. Vaughan, selected for the purpose because of their medical and scientific knowledge, surveyed the site, and their report was, as to climate, that it was in all respects suitable for the intended purposes, and appeared to afford the most perfect drainage, being widely remote from any apparent source of insalubrity; the water supply was abundant and good, and in a sanitary point of view the situation seemed to possess all the necessary advantages. Some objection had been raised to the site as being too elevated. He thought that objection was made by Gentlemen who had not visited the spot. He had been there twice, and the beauty of the situation could not well be exaggerated, and the access to the water-side was easy. When, however, doctors disagreed upon theories, it was desirable to turn to the evidence of persons of experience. He referred to that of two officers who had held commands on board the *Britannia* while she was lying in Devonshire waters, and who agreed in thinking the Dartmouth site the best that could have been chosen. One of them, Admiral Corbett, spoke of the Dartmouth site as healthy and desirable, and of the boating as safe. The former captain of the *Britannia*, Captain Foley, reported that no better site could be selected than that chosen at Dartmouth. He added that during his command he never thought that any sickness among the cadets was owing to the relaxing nature of the climate. Captain Foley also pointed out its advantages for boating, and concluded by saying that he knew no site in England that offered so many advantages. That was strong testimony, and, as his hon. Friend had done his duty, he would, he trusted, admit that the Admiralty had also done theirs in coming to the conclusion that, on the whole, Dartmouth was the best site for the new Naval College.

SIR H. DRUMMOND WOLFF contended that the right hon. Gentleman, the First Lord of the Admiralty, had not met the case which had been brought forward on behalf of Weymouth or Poole. The reasons given by the right hon. Gentleman by no means sufficed to satisfy the House as to the superiority of Dart-

mouth. The right hon. Gentleman had read several testimonies in favour of that site which had not been laid on the Table of the House. If those opinions were so favourable, why were they not laid before the House? He wished to call attention to the fact that Dartmouth was within 14 or 15 miles of Torquay, which was one of the most relaxing climates in England, and was now found to be too relaxing even for consumptive patients. He asked whether it was proper that on the evidence adduced an expenditure of this kind should be entered into, and an institution like this built in a remote part of England? He certainly hoped the Government would consider the matter very fully before they plunged into this expenditure, and satisfy the House, not only that Dartmouth was a better site than those mentioned by hon. Members, but that it was the best site that could be found for the purpose. If his hon. Friend would divide the House on the matter he would support him.

MR. FLOYER said, that there was unquestionably great difference of opinion in regard to Dartmouth, but that he had not heard one word said against Weymouth, even by the First Lord of the Admiralty.

MR. HUNT said, he had quoted the opinion of his naval advisers as to the unsuitability of the site.

MR. FLOYER said, he was not referring to the site, but was speaking on the score of health. As to communication, there was no town in the South of England which was so accessible as Weymouth; but, on the other hand, Dartmouth was further off, and very difficult to reach conveniently. He could not understand, from a naval point of view, how Dartmouth could have been selected in preference to Weymouth, because the safety of the roads at the two places would not bear comparison, the latter being protected in all weathers by the magnificent Breakwater at Portland, and he hoped, therefore, the Government would re-consider the matter.

MR. BRUCE said, that several hon. Members had tried to depreciate Portsmouth, and that showed that the advocates of the other sites felt that Portsmouth was the most formidable rival. They had not received evidence that either Dartmouth or any of the other

places were particularly suitable for a Naval College, and he believed it would be best if some site were selected in the neighbourhood of Portsmouth, which had many advantages not possessed by other places. It had an excellent dock for building ships, and a harbour for training ships. It had all the advantages of a rural position, and it would not be open to the charge of having a relaxing climate. It was surrounded by fine scenery, accessible by railroads, and within easy reach of the dockyards. As to health, the mortality tables for Portsmouth were as low as those of any town in the kingdom. Several excellent and beautiful sites for a College might be obtained there, and among them was one opposite Stokes Bay. A large number of influential men in the neighbourhood were strongly in favour of selecting it as the site for a Naval Training College. Lord Anson strongly recommended it on account of the salubrity of the air.

SIR FREDERICK PERKINS put in a claim for Southampton. No town which had been mentioned in this discussion was equal to Southampton with regard to its advantages.

SIR JOHN KENNAWAY thought our naval cadets should be trained in accordance with the traditions of our Navy. His native county had been the nursing-place of the greatest naval heroes of England. He was therefore glad that the Government had selected Dartmouth as the site for this Naval College, and hoped they would adhere to it.

MR. STACPOOLE said, he would vote for the Motion of the hon. Member for Weymouth (Mr. Edwards) because under the terms of it, Ireland, which had good ports, would have a claim to consideration. They would find no difficulty in getting a suitable site somewhere in Ireland, if they gave themselves the trouble to look for it.

MR. GOSCHEN said, it was perfectly clear that if every hon. Member who represented a seaport thought fit to place his views on this question before the House a very considerable portion of the time of the evening would be absorbed. It appeared to him to be impossible for the House to judge which of the various places suggested by hon. Members was the best site for this College, because the evidence given to the House was only partial. He therefore

thought they ought to confine themselves mainly to considering the actual site chosen by the Government. If the House thought the Government had chosen the best site, it was the duty of the House to vote against the Motion of the hon. Member for Weymouth. If, on the other hand, the House thought the Government had not shown that Dartmouth was the best place, he thought the House ought to support that Motion. He was perfectly unprejudiced with regard to this matter, but, having heard the evidence *pro* and *con*, and especially the statement of the First Lord of the Admiralty, as regarded the salubrity of Dartmouth, he had come to the conclusion that on that ground the selection was not satisfactory. The evidence with regard to the relaxing nature of the climate had been uncontradicted; and it was very desirable that an institution of this kind should be placed in a bracing and healthy place. He would therefore vote for the Resolution of the hon. Member for Weymouth.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 147; Noes 135: Majority 12.

#### CIVIL BILL COURTS (IRELAND).

##### OBSERVATIONS.

MR. MELDON, who had a Notice upon the Paper to call attention to the Civil Bill Courts in Ireland; and to move for a Select Committee to inquire into the expediency of amending the constitution of such Courts, with a view of making them more efficient and more suitable to the requirements of the country, and to report thereon, said, he was aware the Government had given some consideration to the matter, and were prepared to recognize the fact that some legislation must take place in order to afford the masses of the Irish people legal tribunals wherein they could assert their legal rights without an expenditure which virtually precluded them at the present time from availing themselves of the Courts of Justice of the country. He could not imagine a greater grievance for a poor man than to find that justice was denied to him because he was not rich; and he thought few sub-

jects could be discussed of greater importance, or which were more worthy the consideration of the House than the one which he wished shortly to call attention to. Why, he asked, should the representative of an humble man be denied the privilege of having discussed and decided by a properly constituted legal tribunal the rights of all interested in his assets, merely because they were not of sufficient value to enable those interested to appeal to one of the Superior Courts, which alone in such matters had jurisdiction at present? He considered it to be the duty of the Legislature to afford to the meanest and poorest of Her Majesty's subjects a cheap and easily accessible legal remedy and the means of asserting their acknowledged rights. This, under the existing law, was impossible, he asserted. No doubt, there would be some difficulty in extending the jurisdiction of the Civil Bill Courts in Ireland to the same extent as that of the County Courts in England; and his object in bringing forward the question at the present time, and under existing circumstances, was that they might know those difficulties in time to enable the Government early in the next Session to carry through some scheme for affording immediate relief in the direction indicated. He would proceed to contrast the Irish with the English County Courts. The Judges of the latter had a Common Law jurisdiction up to £50, and equitable jurisdiction up to £500; actions referred by the Superior Courts of any amount or description; in Admiralty cases jurisdiction up to £1,000 in amount; Bankruptcy jurisdiction without any limit; and jurisdiction in respect of real property to the value of £20. Besides jurisdiction in these matters they had conferred on them certain special powers to which it was unnecessary to refer. The County Court Judges were not selected from barristers of eminence; indeed, the qualification for a County Court Judgeship was seven years' standing at the Bar, and the Judges were removable at the pleasure of the Lord Chancellor. The Chairman of Quarter Sessions in Ireland, on the other hand, only had a Common Law jurisdiction of £40 in personal actions and in remitted cases; with respect to real property to the extent of £20; in Bankruptcy without limit (provided the Court of Bankruptcy referred the case to them); very limited



jurisdiction in probate cases, and in matters relating to the recovery of legacies, and certain special jurisdiction not necessary further to allude to at present. The Chairmen in Ireland were selected not unfrequently from men of the highest standing at the Bar and in large practice, and were entirely independent of the Crown, being removable only upon an Address from both Houses of Parliament. The Judges of the Civil Bill Courts in Ireland, therefore, had no equitable jurisdiction at all, their Common Law jurisdiction in remitted cases and others was limited to £40, and in other matters referred to of a much more restricted nature than the English County Courts. In England there were 60 County Court Judges at a cost of £105,300 with a large staff to assist them in their business, consisting of 16 treasurers, with 13 assistant clerks at a cost of £16,898, a superintendent, with an assistant and 10 clerks, at a cost of £4,420; a registrar, a chief and second clerk, at a cost of £1,200; 601 registrars at a cost of £221,446; a large number of registrars for Bankruptcy matters at a cost of £29,500; and 395 high bailiffs at a cost of £112,358, besides a host of process servers and other minor officials. The total cost of the County Court establishment amounted to the annual sum of £399,658, exclusive of the Judges' salaries, whereas in Ireland the salaries paid to the Chairmen amounted to only £35,450, and to the clerks of the peace £37,250. In England each Judge had 18 skilled men to assist him in his labours. In Ireland there were 33 Chairmen of Quarter Sessions and the only assistants they had were 33 clerks of the peace or their deputies, notwithstanding that the Chairmen exercised almost unlimited jurisdiction in criminal matters, and had entrusted to them the entire business arising out of the Land Act of 1870. But the numerical strength of the administrative staff was by no means the most formidable grievance that the Irish Chairmen had to complain of. The filling up of the responsible office of clerks of the peace was entrusted to the Lords Lieutenant of the counties. It was scarcely credible, but that was, nevertheless, the case. He had been credibly informed that out of the total of 33 clerks of the peace 28 did not reside in their districts. Some lived on the Continent, in England, and

in India. Of the entire number of the clerks of the peace eight only had any legal training, 26 had their work done by deputies, and of these only three were professional men. Under the existing law he regretted to say the great majority of those acting as clerks of the peace were utterly incompetent to transact the duties which would be required of them if the jurisdiction of the Civil Bill Courts was enlarged in the manner which he suggested. The method of appointing clerks of the peace should be at once changed, and the present deputies should be required either to discharge their duties efficiently, or to resign. The persons now holding the offices of clerks of the peace should be called upon either to discharge their duties themselves or to provide substitutes who should be thoroughly competent to do the work under the altered system. It might possibly be necessary to compensate some of the existing clerks of the peace who might be willing to discharge the duties themselves, but who were not competent so to do; but it would be found that the holders of those offices would prefer to resign when they found that something must be done for their large salaries. It could no longer be tolerated that the poor man in England should be cared for whenever he chose to have recourse to the legal tribunals, whereas in Ireland such justice was denied him. There was scarcely a member of the legal profession in Ireland who had not had experience of the hardship and injustice inflicted on the poorer classes by reason of the denial of justice to them. He knew several cases. Passing from this part of the question he called attention to the proposal which had been before the public for some time past—the advisability of making the Chairmen of the Civil Bill Courts resident Judges, and in order to do so, requiring them to give up their private practice. Nothing, in his opinion, would be more prejudicial to the interests of justice or to the administration of the law than this proposal if carried out. The necessary result of making the Chairmen resident Judges would be that they would be compelled to mix socially and become intimate with the gentry and landed proprietors resident in the districts where they would be called on to administer justice. Nothing could be calculated to diminish the confidence of the people in

the impartial administration of justice more than to see the Judge the intimate friend and associate of the upper classes. In cases under the Land Act the proposed system would work very badly. What the people wanted was a sound lawyer, not a man half a lawyer and half a country gentleman, to adjudicate upon their cases. He believed that the Chairmen as a body would feel that if residence in their districts was necessary, they would be placed in a most painful and embarrassing position. Their decisions would not carry the weight which would be essential to the proper administration of justice, and the people would look with suspicion upon the action of Judges whom they would see in the closest social communication with the rich and the powerful. In Ireland they were justly proud of many of the Judges of the Civil Bill Courts. The position was sought for by the leading members of the Bar. It was a great mistake to suppose that the conferring of a more extensive jurisdiction must have the effect of withdrawing Chairmen from their practice, or forcing them to reside in their counties. Under the existing state of the law much time was lost in adjudicating upon undefended cases. Great loss of time also occurred in the hearing of paltry cases which might be adjudicated upon by magistrates sitting in petty sessions. It was manifestly unjust that a suitor seeking to recover 5s. or £1, or a trifling sum, should be called on to pay as much for the support of the Court as a suitor who recovered a large sum. Jurisdiction to hear undefended cases ought to be given to the Registrar with an appeal upon the lodgment of costs to the Judge. All cases involving questions of trifling value ought to be adjudicated on by a petty sessions Court, held before, or presided over, by a competent stipendiary magistrate without the imposition of any stamp duty. These alterations would relieve the Chairmen from a great deal of labour, and enable them to exercise the enlarged jurisdiction without driving them from practice. Any measure for enlarging the jurisdiction of the Civil Bill Courts must necessarily fail unless a staff of efficient and properly paid officers be first created. The Committee, if appointed, could very easily devise a scheme whereby the Chancellor of the

Exchequer would be relieved from all anxieties, and his frustrating influence dispensed with. At the present time the Civil Bill Courts yielded to the Exchequer about £20,450. If all claims for—say, less than £5, were freed from all duty, and an additional fee of 6d. was charged on every Civil Bill process, and an increased *ad valorem* stamp imposed, as in England, the result would be that the system would be self-working, and very little, if any, assistance would be asked for from the Treasury. He had said quite sufficient to prove that there was abundant matter for inquiry on this subject. A few days would suffice for the inquiry, and he asked that the Government would be in a position to deal with the matter at the commencement of next Session. If this Committee took place, the Government would be able to carry out a useful and substantial legal reform, the greatest benefit would be conferred on the country, and a measure creditable to the House would be passed into law. The most feasible scheme that could be adopted would be to extend the jurisdiction of the Chairmen, and make it analogous to that of the English County Court, give to the petty sessions Court, presided over by a competent magistrate, jurisdiction in all cases under £5, appoint a competent staff of registrars, chosen from professional men, reserve power to the Superior Courts to remove any case of sufficient importance, and reserve to the Lord Chancellor of Ireland the power of making such rules and regulations for the conduct of business as he might consider advisable. There were many other suggestions that would be made to a Select Committee. His principal object in calling attention to this matter was to hasten the granting of a boon to the poor of Ireland such as for many years had not been granted to them. The Civil Bill Court in Ireland was essentially the "Poor Man's Court," and everything that was done to make litigation there cheap and easy, must necessarily be an immense benefit to the mass of the people.

MR. BIGGAR supported the views of the hon. and learned Member for Kildare. The present system was not the most desirable for the administration of the law in Ireland. The Government ought to appoint a Select Committee to inquire into the subject.



MR. M'CARTHY DOWNING said, the present aspect of the House, there being only a few Members present, did not show that much interest was felt by Parliament in the question. He considered that his hon. and learned Friend who brought forward the subject had gone much beyond the question in which the people of Ireland felt most interest, inasmuch as the Quarter Sessions in Ireland was the tribunal which most concerned the masses of the people. If any tribunal was popular in Ireland and enjoyed the confidence of the people it was those Courts, for they were known as the "Poor Man's Courts," and he should be sorry to see the English system introduced into them. The Court of Quarter Sessions was certainly a most important Court in Ireland; and here he would say that there was no country in which the law was more cheaply administered than in the Quarter Sessions Courts in Ireland. He agreed with his hon. and learned Friend that the jurisdiction of the Quarter Sessions in Ireland required to be extended; but while the Act was more limited in its jurisdiction than similar Courts in England, it was yet a most important measure. For his part, he could not see any occasion for inquiry into matters with which all interested in them were perfectly well acquainted. A more efficient, high-minded, and honourable body of men could not be found in Ireland than those who discharged the business of Quarter Sessions.

THE SOLICITOR GENERAL FOR IRELAND (MR. PLUNKET) said, his hon. and learned Friend had not advanced any argument against the administration of the law in Ireland to show that the people had not confidence in the tribunal of Civil Bill Courts in Ireland. With regard to the extension of the jurisdiction of the Chairmen of Quarter Sessions in Ireland, he concurred with him that it was desirable; but he hoped his hon. and learned Friend would not press his Motion for a Select Committee to inquire into the matter, and that he would be satisfied with the pledge given by his right hon. Friend the Chief Secretary to the Lord Lieutenant, that he would, if possible, bring in Bills in the ensuing Session of Parliament to deal with this and other questions relating to Ireland. In the Bill to be brought in, when time allowed of its being dealt with, the points raised as to the position

of clerks of the peace would not be overlooked. There was no necessity for the inquiry asked for, and he hoped the hon. and learned Member would facilitate the passing of the Bill when it was laid before the House.

#### FRANCE—DECLARATION OF PARIS.

1856.—OBSERVATIONS.

MR. O'CLERY, who had a Notice upon the Paper to move for—

"An Address for Copies of the Instructions given by Her Majesty's Government to the Earl of Clarendon and Lord Cowley, relative to the signature of the Declaration, dated the 16th day of April 1856, annexed to the 23rd Protocol of the Conference of Paris; and, of the Correspondence which passed between Her Majesty's Government and other Governments during the year 1856, relative to the aforesaid Declaration of Paris,"

said, the subject was one of great importance, and the interest taken in it by the public was, he believed, on the increase. It was a matter of fact that the Crown had never ratified that act, and that Parliament had never authorized it. The sooner, therefore, Parliament was informed by whose authority the Declaration was made on the part of England the better. A great Constitutional question was involved, for what guarantee had we that similar acts would not be done at some other time? They all knew that it was the right of the people of this country to know by whose authority the Treaty of Paris was made. He therefore asked for the production of the Correspondence. Hitherto it had not been produced, and he was at a loss to know why it should not have been. A distinguished statesman had attacked the Declaration of Paris, and the Chancellor of the Exchequer had also attacked that Declaration. Lord Clarendon did not approve of the Declaration; yet he showed an inconsistency in saying they were bound to carry out the policy. An act was done in Paris on the 15th of April, 1856, which involved the dearest interests of other countries; but the act had never been ratified by Parliament, and Parliament had never directly sanctioned the act. It was said that this country had induced many other countries to take part and join in that act, but he did not believe that the people of this country had taken any part in it, and the Decla-



ration to this moment had not been sanctioned by the Crown. The Declaration, then, was like that of a will without a signature.. If the Treaty was of importance, the Prime Minister should recommend the Crown to sign it. Many of the actors of that time had passed away, and other Governments had come into prominence in Europe, so that the production of the Correspondence would not, in any manner, affect State affairs. If he were asked of what use the Correspondence would be, he would reply that this was only the initial step to a movement for the restoration of the right of search in this country. The effect of the Treaty in the late war between France and Germany was most disastrous to France, whose fleet was ineffective in consequence of it; and if this country were engaged in a war her fleet would be rendered as helpless by the operation of the Declaration as the French fleet was. France, in her war, was told that she must abide by the Treaty of Paris. He would say, in conclusion, that he knew he was precluded by a Rule of the House from formally moving for the Correspondence; but he hoped Her Majesty's Government would not make any objection to produce it.

Mr. BOURKE said, that the whole policy of the Declaration of Paris had been already discussed that Session, and therefore it would have been inconvenient, and, he believed, irregular, if the hon. Gentleman had proceeded to discuss the subject at any length. The hon. Gentleman wanted to know by whose authority the Declaration of Paris had been signed. He (Mr. Bourke) had stated before that the Plenipotentiaries had full power to sign it, and he made that statement upon the authority of Lord Clarendon. A higher authority could not possibly have been produced, because Lord Clarendon was at the time not only Plenipotentiary, but also Secretary of State for Foreign Affairs; so that the fact was Lord Clarendon was both the person who gave the instructions and who carried them out. When he stated that the Plenipotentiaries had full power to sign the Declaration, he had in his mind a statement made by Lord Clarendon himself, who, in speaking on the subject in the House of Lords, used these words—

"Lord Cowley and myself did not hesitate—of course with the consent of Her Majesty's Go-

vernment—to affix our signatures to a Declaration which changed a policy that we believed it would be impossible, as well as against the interests of England, to maintain."—[3 *Hansard*, cxlii. 500.]

The hon. Gentleman asked who were responsible for the Declaration of Paris? Why, the Government of the day were responsible for it. He also stated that if England had refused to be bound by the Declaration of Paris, Austria and Turkey would also have refused. But Austria and Turkey were parties to that Declaration; and there was no reason to suppose that either of those nations had repented having appended their signatures to it. But it was said the Declaration had not been ratified; he could mention many other international engagements that had not been ratified. The Declaration with regard to the independence of the Islands of the Pacific and many commercial and postal conventions had not been ratified, and many other international engagements. With regard to the first part of the matter to which the hon. Gentleman had called attention, as to the

"Instructions given by Her Majesty's Government to the Earl of Clarendon and Lord Cowley, relative to the signature of the Declaration, dated the 16th day of April 1856,"

there were certain Papers produced at the time. Certain Papers were produced in 1856, and 19 years had elapsed since then. If it was undesirable to produce Papers at that time more than were produced, he thought it would be undesirable to produce them now. Another reason against Her Majesty's present Government laying them on the Table was, that the proper persons to produce Papers were the Ministers of the Crown, who were responsible for them; and the Papers alluded to were of a very confidential character. Lord Palmerston himself said, in that House, with regard to these Papers, that on account of their special character they could not be laid upon the Table of the House. After a declaration of that kind from such an authority, he was not going to take the responsibility of promising to lay them on the Table. With regard to the

"Correspondence which passed between Her Majesty's Government and other Governments during the year 1856, relative to the aforesaid Declaration of Paris,"

that Correspondence had never been produced; but he should have no objection

to produce the Circular sent to various European Governments on the question of the immunity of all private property at sea, with the names of the countries which had assented to the Declaration of Paris, with the qualified assents or dissents in a tabulated form, in order to save expense. Among the three or four dissentients were the United States.

MR. BUTLER - JOHNSTONE said, he thought it somewhat hard that the English people, when they asked by whom their maritime rights, which were their right arm, had been given away, should be told at the time that the Papers relating to the subject were confidential and could not be produced, and that 20 years after precisely a similar statement should be made. It might be that Lord Clarendon had declared in the House of Lords that it was with the consent of his Colleagues he had signed the Declaration in question, and nobody, indeed, could for a moment suppose that he had done so without their consent; but, then, the Papers now moved for were the written instructions to the Plenipotentiaries of England at Paris, and he maintained that those Plenipotentiaries were sent there to make peace with Russia, and were travelling out of the record when they sought to bind this country for the future by signing the Declaration. It was, under the circumstances, but natural that it should be asked how far the honour of the country had been pledged in the matter, and why such instructions had been given to those Plenipotentiaries.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

MR. BUTLER - JOHNSTONE resumed: He regretted very much, therefore, that after a lapse of 20 years the Government did not deem it right to produce the Papers. It was quite right that this country should look with extreme jealousy to the question of honourable engagements entered into, and not rashly get out of the Declaration of Paris; but he thought he could suggest to them an escape from it without in the least compromising the national honour. There were two ways by either of which the country could get out of this Declaration. First, it never having been ratified, it could not at any rate be held as binding as a treaty duly and

formally ratified. Now, if a Treaty of Peace which had been duly signed and ratified could be torn up in a time of peace, a Declaration which had not been ratified could not be more binding on the nations who were parties to it. There was another way, and perhaps a more regular and formal way, out of it, for the Declaration was, and could be, only a strongly-expressed opinion on the part of the Plenipotentiaries relative to new rules in case of war, and, unless all the other nations of the world equally signed it, the Declaration could not be binding on any of them. He believed that the Government of Switzerland and Saxony had agreed to the Declaration; but how much weight did the opinion of 30 or 40 petty inland States like these carry when compared with the United States, which had a seaboard as large as that of all Europe, and which refused to concur in the Declaration? Were the Government, moreover, quite sure that France, which felt the pinch of the Declaration in the last war, would not be exceedingly glad to get out of it? and if the United States still refused to join in the Declaration, and if England and France said they had had enough of the engagement, it ought not to be difficult to get out of it. Twenty years had been exhausted in endeavouring to induce dissenting nations to agree to it; and, therefore, it might without much strain be argued that the Declaration had become void through lapse of time. He hoped the matter would meet with attention on the part of the Government.

SIR PERCY BURRELL said, that the answer given by the Government would not be regarded as satisfactory by the country.

#### OFFICE OF WORKS—PAYMENT OF SURVEYOR.—OBSERVATIONS.

MR. DILLWYN, in rising to call attention to the mode in which the Surveyor of Works is paid, partly by salary and partly by commission, said, it was a most objectionable system, as it opened the door to the purchase, for Government purposes, of more land than was actually necessary, in order that surplus space might afterwards be sold at an enhanced price, owing to its being improved by the presence of Government buildings on the adjoining

*Mr. Bourke*

area, so that the Surveyor might receive a double set of fees—one on the purchase and the other on the sale of the land. He thought, too, it was highly objectionable that such an officer should be allowed to engage in private practice and be at the head of a large firm. He had no doubt that the gentleman who at present held the appointment rendered the best services he could to the Government, and that when he purchased more ground than was absolutely required it was with the object, not of getting larger fees, but with the design of selling the surplus at such a profit as would materially reduce the cost to the State which the Government required. He would mention a few instances. A site was some time since required at Liverpool on which to erect some Courts. All that was required was 2,000 yards, at £10 per yard, but Government purchased 3,600 yards, and so paid £36,000 instead of £20,000. On that the Surveyor had his commission. They afterwards sold the 1,600 yards surplus, and on that sale he had also his commission. Another illustration of the undesirability of the practice would be found in what occurred a few years ago. The Metropolitan District Railway Company, by whom the services of the Surveyor of Works were engaged, purchased from the Office of Works a piece of land fronting Bridge Street, and immediately opposite the Houses of Parliament, upon which to erect their station. A portion of the land was subsequently re-sold by them, and the St. Stephen's Club, an ugly and objectionable building, which had been generally condemned, was erected upon it, thus obstructing the view of the Clock Tower from the Thames Embankment, upon which large amounts of public money had been expended. In this case the public had suffered very severely by losing the advice and assistance of the Surveyor of Works in the arrangements which were originally made. In 1870-1 a new site for the Mint on the Thames Embankment was offered to the Government, but was not adopted by Parliament. The land belonged partly to the Metropolitan Board of Works and partly to the District Railway, by whom the Surveyor of Works was employed. He (Mr. Dillwyn) considered it most objectionable that a system should exist under which this officer became so largely interested

in the advice which he had to give to the Office of Works. These cases all illustrated the pernicious nature of the present system, and he hoped his noble Friend would take steps to come to some better arrangement. He understood that the Surveyor when first appointed was paid by salary only, and received £1,000 a-year, but that subsequently, when the New Law Courts were decided upon, the salary was reduced to £750, and payment by commission was introduced.

MR. LOWE said, that as the person responsible for the existing relations between the Board of Works and the Surveyor, he thought he had some right to complain of the conduct of the hon. Member for Swansea in having failed to give Notice of the matter which he had brought before the House. To find fault on general principles with the acts of a Government—which was all the Notice on the Paper indicated he would do—was one thing, and to allege specific instances in which he imagined mischief had been done, and which could not be answered offhand, was another. However, he could not suppose for a moment that his hon. Friend would have made charges of that kind without previously communicating them to the First Commissioner of Works, so as to allow him an opportunity of answering them. Certainly, if that had not been done, he could imagine no course more unfair than that which the hon. Member for Swansea had adopted. The facts of the case were these—in 1869 he (Mr. Lowe), as the Chancellor of the Exchequer at the time, appointed a Treasury Committee, including in it Mr. Austin, the Secretary of the Board of Works, Sir William Stephenson, and the late Mr. Hamilton, the Secretary to the Treasury, and their Report was to this effect. Mr. Hunt, they said, was appointed Surveyor of Works in 1856 by Sir Benjamin Hall, and he was, in every respect, to be a consulting Surveyor, and not, in any sense, an executive officer. It was no part of his duty, as a Surveyor, to examine plans; but all the architects' certificates passed through his hands, and he advised the Board on the contracts made. He was to attend one day in the week, and in consideration of these services to receive a salary of £1,000 a-year. Besides, however, attending one day in the week, Mr. Hunt gratuitously devoted a large



portion of his time to the public service in the various missions on which he was sent to Liverpool and other places in connection with important public business; so that, instead of giving a sixth of his time—to use Mr. Hunt's own words—he devoted one-third of it, his desire always being to discharge his duties in the most efficient manner possible. That was from the Report of the Committee. The Committee further said that, comparing Mr. Hunt's salary with his services, they thought he should not be debarred from the benefit of transacting business on commission; his knowledge and capacity were reasons for his being retained in the public interests; and they strongly recommended that, on public grounds and in justice to Mr. Hunt, the Treasury should sanction the arrangement. Mr. Hunt, the House would bear in mind, was at the head of his profession, and, therefore, when the public abstained from using his services, they deprived themselves of the best professional assistance which it was in their power to obtain. It was upon the strength of that Report, which expressed the sense entertained by the Committee of Mr. Hunt's services, that he (Mr. Lowe) had made the change involved in reducing Mr. Hunt's salary as Surveyor to the Board of Works from £1,000 to £750, and allowing him to act as an executive officer in the matter of surveying. The public had no reason, on the score of expense, to regret the proceeding. The result was that Mr. Hunt had received for six years £750 a-year, or in all £4,500, and he had received for his services as a practical surveyor and executive officer, £1,889, so that the public had gained £1,500; for if Mr. Hunt had not received the £1,889, it would have been paid to some one else. As to what had been said about the rejection of the proposed site for the Mint, that was done by a snap division taken without Notice; it was one of those misfortunes which occasionally occurred in the transaction of business, and he had no hesitation in saying it was a misfortune which involved a costly remedy. Mr. Hunt was the best official he had ever come in contact with; he gave perfect satisfaction in every transaction; and he could not imagine from what source the hon. Member had derived the statements on which he based accusations so inconsistent with the impressions

of Mr. Hunt received by all who had had anything to do with him at the Treasury, where he was held in the highest estimation. [Mr. DILLWYN said, he disclaimed making accusations, he merely stated facts.] He should like to know where the facts came from. However, he came prepared to argue an abstract question, and not particular instances. But passing from that, he thought it was rather hard that a gentleman like Mr. Hunt should, after having gone through long and honourable service, be accused of things which were without a shadow of foundation, and were all the more galling on that account. He believed Mr. Hunt was above being influenced by the pecuniary interest he might have in any transaction, because he was a man of large property acquired by his own industry. He had no more pecuniary interest in the advice he gave than any solicitor had in recommending legal proceedings; and how often did solicitors dissuade a client from resorting to litigation? He believed the Treasury acted wisely, and he was sure the public had been gainers.

GENERAL SIR GEORGE BALFOUR thought the right hon. Gentleman the Member for the London University had gone out of his way to attack the hon. Member for Swansea. There was no other Member in that House who devoted his time and abilities to Public Business so entirely and so well as that hon. Member (Mr. Dillwyn). The country and the House ought to be proud to find such close attention given to the affairs of the country, and there was no question that could be raised of greater importance than that which the hon. Member for Swansea had raised—that relating to the mode of remunerating the Surveyor of Works, for it was most objectionable to pay a public servant by commission as well as salary. It was far better to increase the salary to any amount that the services might be worth, than to allow an officer to have even in appearance interests which were opposed to those of the State. He (Sir George Balfour) must call special attention to the grave fact that, while the accounts of the Office of Works set forth £50 as received by the clerk for collecting the tolls of a bridge, there was no entry of the sums paid to Mr. Hunt in the form of commission; and if he received commission from public funds,

the fact ought certainly to appear in the accounts. He made no imputation against Mr. Hunt; but the mode of paying him for his public services was likely to be detrimental to the public service, and before next year he trusted that this objectionable mode of remunerating this officer would be remedied.

SIR ANDREW LUSK said, it was not to be expected that the whole services of a first-class professional man of this kind could be secured for £750 a-year, or double that sum.

MR. WHITWELL thought that a public officer ought to receive a sufficient salary for his services, and not be driven to the necessity of eking it out by engaging in private work.

MR. FIELDEN was of opinion that it was all-important that a public officer should devote the whole of his time and services to the work for which he was paid. He thought that public officials were much underpaid. He would give them full value for their services—what could be obtained for them in the open market—and no superannuation. From his own knowledge he found that wherever this mixed system of remuneration had been adopted in local boards, the public business was neglected for the private business of the official.

LORD HENRY LENNOX said, he did not complain of the hon. Member for Swansea for bringing the subject before the House. On the contrary, he was glad that the opportunity had been afforded of vindicating a valuable public servant from charges which he could not have conveniently answered when they were first made in the form of a series of Questions—a mode of proceeding that was very unfair towards Mr. Hunt. After the remarks of the right hon. Gentleman opposite (Mr. Lowe), anything that he could say about transactions of which he had no official knowledge could have very little weight with the House. He would not, therefore, enter into the general question; because, a Committee composed of three excellent public servants eminently qualified to deal with the matter having been appointed by the right hon. Gentleman opposite, and having come to an unanimous Report upon it, he could not, after a short official experience, be expected to reverse the decision at which they had arrived. The hon. Member for Swansea

said Mr. Hunt formerly received a salary of £1,000, without fees, and now he received a salary of £750 and was allowed to take fees from the Office of Works. Now during the last six years the average amount of the fees paid to Mr. Hunt was £370, and in some years he received no fees at all. The Committee came to the unanimous conclusion to give him £750 a-year, with fees. The country had been a gainer in money by that arrangement, while Mr. Hunt and the firm to which he belonged had been losers, because his firm—one of the largest in London—undertook no business whatever which could in any way be deemed to act antagonistically to the interest of the Office of Works; and, of course, if Mr. Hunt were to revert, as he would personally be glad to do, to the old system, under which he had a salary of £1,000 and no fees, that understanding would come to an end and his firm would be great gainers. The hon. Member for Swansea had not communicated to him (Lord Henry Lennox) any of the items of the charges which he intended to bring before the House on that occasion; and, as the hon. Gentleman had referred to transactions which occurred long before he was connected with the Office of Works, it was impossible for him to follow him into their details. With the case of the Liverpool County Court, however, he could deal, because it occurred very shortly after he succeeded to that Department. The purchase of the property in that case was made entirely on his authority as First Commissioner of Works, and upon due consideration, looking not only to the immediate present expenditure, but to the prospective advantage to the public that would accrue in view of possible changes of jurisdiction some years hence. In that particular instance Mr. Hunt's charges were very considerably less than those which, if they had been made, he should have felt it his duty as Chief Commissioner to have sanctioned. The Committee of 1869 gave Mr. Hunt credit for his liberality on that occasion. Although hon. Gentlemen had disavowed any other than public grounds for their criticism, yet a vein of inuendo ran all through their remarks which made it difficult for him to answer them in detail. But after their general disclaimer of any intention to cast a slur on the character of a public servant he would, in conclu-



sion, only ask the House to justify him in not attempting in the first year of his office to reverse the system adopted by so distinguished an authority as the right hon. Member for the University of London, which had, as far as his official experience went, worked extremely well, and which he should find it exceedingly difficult to replace by another system that would answer as satisfactorily for the interests of the public service as the present arrangement with Mr. Hunt had done.

MR. COWPER-TEMPLE wished to add his testimony, from official experience, of the great value of the services of the Surveyor. The Committee who recommended that Mr. Hunt should act both as consulting Surveyor and also as executive Surveyor must have considered that they were justified by the peculiar circumstances of the case. Still, he thought such an arrangement would not, as a general rule, be a wise one. The Board of Works, while he presided over it, had two Surveyors. One was the consulting Surveyor, who gave professional advice to the First Commissioner during the consideration of a question, and a successful private practice was a guarantee of the competency of the Surveyor to give good opinions. A fixed salary precluded the possibility of any pecuniary bias in the decision to be arrived at. The other Surveyor was executive, and was not consulted as to whether a work should be executed or not. He was paid by a commission on the cost of the work. This was the best and safest arrangement under ordinary circumstances. As to requiring persons to give the whole of their time to Government business, such a rule would exclude the most efficient men, and would not conduce to the real interests of the public.

#### CIVIL SERVICE INQUIRY COMMISSION —CO-OPERATIVE STORES.

##### OBSERVATIONS.

SIR THOMAS CHAMBERS, in rising, pursuant to Notice, to call the attention of the House to the absence from the Reports of the Civil Service Inquiry Commission of any investigation into the complaints made against the system of Trading now carried on by the servants of the Crown under the guise of Co-operative Stores, said, that last year,

when he put a Question to the Chancellor of the Exchequer on the subject, the right hon. Gentleman declined, and very properly declined, to give any positive answer while the Commission was still pursuing its inquiry, and until its Report was presented. He was surprised, therefore, to find, in an answer to a Question he (Sir Thomas Chambers) put to the right hon. Gentleman a short time ago, that there was no fresh information upon the subject worthy of his attention. That answer was confirmed by the fact that they had now the Report before them, and the absence of any reference to that most important subject had naturally and inevitably led to very great and general disappointment, not unmingled with surprise. There was overwhelming evidence to show that the Civil Service Stores were not, in fact, co-operative stores, but gigantic joint-stock trading companies, with some singular distinctions to which he would presently allude. There were no fewer than 4,500 subscribers or partners in one of these concerns; 15,000 tickets had been issued to outsiders; and the business was carried on just like that of any ordinary joint-stock trading company. It was the greatest sham that ever existed; and he maintained that, both on general principles and on grounds of public policy, Civil Service trading ought to be forbidden. So long ago as March, 1849, a Treasury Minute was issued affirming the right of the Government to the whole time of the Civil servants, and that they could not be allowed to accept office as directors of companies; but the gentlemen against whom the Minute was levelled did not do one-tenth of what the directors of the Civil Service Stores were now doing. So much for the general principle; but what had been the policy of the Government on this subject? The evils against which that Minute was directed were much more serious at the present moment. Very recently another Minute had been issued forbidding Civil servants becoming directors of a company which had undertaken a publication which was much engaged in discussing subjects connected with the Civil Service. The Minute set forth that gentlemen in the Civil Service taking upon themselves editorial duties could hardly fail to render themselves liable to misrepresentation, and pointed out that their acceptance of such positions must neces-

*Lord Henry Lennox*



sarily disturb the confidential relations which ought to subsist between members of that Service and their official superiors. The National Chamber of Trade, having that Minute in view, wrote to the Chancellor of the Exchequer to inquire whether the authorities of the Civil Service would not forbid their servants engaging in trade under the guise of co-operation. To that communication the Chancellor of the Exchequer replied by saying that the cases of Civil servants engaging in editorial duties and in co-operative societies did not appear to be exactly parallel. Such pursuits, however, were not parallel, but they were analogous, for they were strictly alike, because they infringed the principle that the Civil Servants were bound to give their whole time and energy to the country. He did not complain of co-operation—what he complained of was joint-stock trading with certain signal distinctions between the honest, ordinary, *bond fide* joint-stock trading, and that which was carried on under pretence of co-operation; and it was a question for the Government to decide whether this Civil Service trading was to be permitted to be carried on. The dockyard workmen were precluded from engaging in any other occupation; so were the police, while postmasters were absolutely forbidden even to sell newspapers. Those facts and regulations proved that the Government perfectly understood that the principle of the contract between the Civil servant and the State was that the whole of the man's time should be given to the State. Further than that, these large joint-stock trade associations, which were carried on under the name of Civil Service Co-operative Stores, turning over millions in the course of the year, had several advantages over ordinary trading firms, inasmuch as by registering themselves as provident and industrial societies they escaped the payment of income tax, and to some extent stamp duties. It was a double fraud. It called itself co-operation when it was simply a joint-stock trading society, and it availed itself of the advantages allowed to provident societies because they were conducted by the poorer classes; yet they were not tidewaiters, or clerks, or porters at Somerset House, but Civil servants of the higher grades, who were just about to divide £400,000 out of their profits. On the whole, therefore, he hoped Her

Majesty's Government would take the subject into serious consideration.

THE CHANCELLOR OF THE EXCHEQUER said, he must apologise to the hon. and learned Gentleman for the rather abrupt manner in which he had answered his Question on the subject the other day. He had just referred to the speech he had made on this question last year, and he found that it was substantially what he thought it was. He had said that in dealing with this subject there were two questions to be considered—first, how far this system of Civil Service trading was one which ought to be checked in the interest of other traders as being in the nature of an unfair competition with them; and secondly, how far it ought to be checked in the interests of the Government, on the ground of it not being advisable that their servants should engage in these pursuits. He had also endeavoured to point out the difficulties which the Government had to encounter in attempting to deal with the matter from the point of view taken of it by those whom the hon. and learned Gentleman represented, and he had endeavoured to show how difficult and unfair it would be for the Government to lay down principles with regard to the Civil servants which would exclude them from the privilege and the right of co-operation, and how very difficult it would be to draw a line between co-operation and trading. The upshot of his remarks was that he could not upon the grounds mentioned see his way to any interference with the system. At the same time, however, he was always ready to accept and to listen to representations which might be made as to any unfair advantages that might be taken of their position by Civil servants who were engaged in this kind of business, and, therefore, he should take care that the allegation that the Co-operative Stores contrived to escape the payment of income tax and stamp duties should be inquired into, because such associations had no right to put themselves into such a position as to give themselves an unfair advantage over all other traders. Upon the other points of this question, the Report of the Civil Service Commissioners might throw some light. It was difficult to say where the line should be drawn with regard to what branches of business Civil servants might engage in, and he did not know that the Report of

the Commissioners at present had thrown much light upon that point. Their labours were, however, not yet concluded, and the Government had not taken any steps upon their Report. They would, no doubt, in a short time have to take the Report into consideration, and probably some steps in consequence, and it might be that they would have to go into the question as to the employment of Civil servants in the manner referred to in connection with the general subject. One such question arose the other day in reference to Captain Tyler, and he only referred to it to show that it was difficult to lay down general rules to govern all cases that might arise. His hon. and learned Friend said that the Government had dealt with the question, and asked them to carry out the same principle with regard to all Civil servants, and he referred to the Treasury Minute with respect to contributions to newspapers by Civil servants, and the entering upon other employments by dockyard labourers. His hon. and learned Friend must, however, have been misinformed. Dockyard labourers were not forbidden to enter upon any other engagement. They were only restrained from becoming keepers of public-houses or marine stores, and from entering upon any business of that sort in which it was thought that mischief might arise from temptations to which they might be subjected in respect of Government stores. Then with respect to newspapers, the step was taken not to prevent undue competition between one editor or publisher and another, but to put a stop to a practice which was found to be productive of mischief and scandal to the public service. From time to time letters, paragraphs, and articles appeared in certain newspapers which were obviously written by persons who had obtained official information which ought not to have been made public, and it was therefore found necessary to issue a Minute prohibiting such communications being made and warning the contributors that they would be held responsible in the event of official information being improperly communicated. With respect to the general question, he could only say, as he did last year, that he must draw the line between two different considerations. As regarded the question of competition with private trade, it was a difficult matter to interfere, and interference

must be limited to prevent any unfair advantages existing on the one side, such as exemption from income tax or stamp duties. That branch of the question should have his best attention. The other question related to the employment of Civil servants in the manner complained of, and having had their attention more or less directed to it, it would be their duty to consider whether some regulation should not be made or some expression of opinion given in reference to it.

MR. GOSCHEN said, he concurred generally in what had fallen from the Chancellor of the Exchequer. While in office he had stated more than once, in answer to his constituents who took a great interest in the matter, that he considered it unfair that Civil servants should be placed under restrictions which did not apply to those who were engaged in other walks of life. Civil servants were, no doubt, paid out of the public funds, but they were as freely entitled to make use of their leisure in any way they thought fit as were any other class of Her Majesty's subjects. He agreed with his right hon. Friend the Chancellor of the Exchequer that it would be impossible to hold out any hopes to the tradespeople of the metropolis that the competition they complained of could be put a stop to, save so far as the preferences to which reference had been made, and which ought most rigorously to be examined and removed. The second branch of the subject—namely, how far, from the point of view of the public service, it was right that Civil servants should be allowed to engage in those operations—remained to be considered. There could be no doubt, however, that they were under the same limitations, both as regarded their time, strength, and honour, as the servants of private companies. As a matter of course, it would also be unfair that they should be allowed to take advantage of official information for their private benefit in their relation to those societies. If a gentleman were, for example, engaged in the Government Contract Department, it could not be tolerated that he should use his special information of the effect upon the market of Government operations to promote the interests of a co-operative society with which he might happen to be connected. They must, he thought, rely upon the good sense, right feeling, and honour of the

Civil servants to see that no stone could be thrown at them in that respect. Then, again, came the question of interference with their capacity to serve the State, which was their first duty. It would, he thought, be improper to allow persons who were placed in high position, and whose energies, freshness, and health were vital to the proper discharge of their duties, to take any great share in the management of those companies. As an illustration he might mention that the point was brought under his notice in a peculiar way when he held the office of First Lord of the Admiralty. There was a most eminent Civil servant who was also an eminent director of one of the co-operative societies, one of its founders, and the life and soul of the society. He worked hard at the Admiralty and also at the society, and it appeared that the strain on him was so great as to threaten his health. The question of promotion arose, and he was recommended for promotion to a higher position than that which he enjoyed. Under these circumstances, he (Mr. Goschen) pointed out to that gentleman that if he could give his whole time to the fresh post, he should consider him an eligible person; but that if he continued the other work and the strain was too great upon him, he should decline to promote him. That gentleman adopted the course of resigning his lucrative post in the co-operative society, and received the promotion to which, as being most eligible, he was entitled. In taking that step he (Mr. Goschen) thought he was discharging a duty he owed to the public.

MR. FORSYTH said, that last year the Chancellor of the Exchequer promised to make an inquiry into the subject, and unless he had done so, the public would think he did not consider it worth his while to do so, and was content to let matters remain as they were. Now, if the Chancellor of the Exchequer had made up his mind on the subject, it was desirable that the public should know what the Government intended to do. Traders did not object to co-operative societies. If Civil servants combined to buy goods wholesale and sell them to themselves at the wholesale price, traders could have no objection; but what they did object to was, that Civil servants should form themselves into a society for the purpose of com-

peting with tradesmen. There was another point to which he wished to call attention. Civil servants were paid by salaries taken from the taxation of the country, and the public had a right to expect that their whole time should be devoted to the performance of their public duties. Now, it was well known that the whole time of the chairmen and directors of co-operative societies was not given to the public. Another objection was that Civil servants were sometimes able to obtain information with regard to duties which enabled them to make advantageous purchases while the other trades were entirely in the dark, and were unable to do so. General traders were therefore placed in an unfair position, as compared with co-operative societies.

#### INCREASED VALUATIONS (METROPOLIS).—OBSERVATIONS.

##### QUESTION.

SIR WILLIAM FRASER, in rising to call attention to the practice of Overseers of Metropolitan Parishes delivering the notice of alleged increased value (the said notice requiring an appeal within twenty-five days of the date thereof) late on the evening of the 24th day, said, he could not help thinking that the overseers had consulted an attorney on the matter, and, if so, it might be true that they were within the law in what they did; but if this were so, their conduct weighed very harshly on the public. The notices were delivered so late that practically there was no power of appeal, and in many cases doubtless the persons served would pay upon the increased assessment rather than undertake the trouble and expense involved by the unduly late service of the notice. He wished, therefore, to ask the President of the Local Government Board, Whether such practice is approved by the Board; whether it does not tend to fraud on the part of the overseers; and on what data the fictitious statements of the alleged increased value are made? He did not bring the matter forward as a personal question, although he had been among the sufferers, but as a matter affecting the ratepayers as a body. It placed them in a very hopeless position, and he hoped the right hon. Gentleman would be able to prevent this nefarious proceeding. He should



be glad to hear the principle on which this increased charge had been made. It seemed to him that a considerable value was put down beyond the real and the money value.

Mr. SLATER-BOOTH said, it was clear that his hon. Friend had been made the victim of a very great wrong owing to an undoubted miscarriage of justice. If his hon. Friend had placed the documents in his (Mr. Slater-Booth's) hands before bringing the matter forward, inquiry should have been made as to the accuracy of his allegations, although the Local Government Board had no control either over the overseers or the vestries in the performance of the duties imposed on them under the Metropolitan Valuation Act and by the assessment committees. If the overseers had served notice on his hon. Friend under the circumstances which he had stated, they had acted wrongly, and he might get satisfaction if he consulted his legal advisers. He thought the practice to which his hon. Friend had referred did not prevail generally throughout the metropolis. It was not his (Mr. Slater-Booth's) duty to supervise the action of the overseers of the metropolis; but if his hon. Friend would give him the particulars of the matters of which he complained, and the documents connected therewith, he would be happy to make inquiries, and he had no doubt the overseers of the parish in which his hon. Friend resided would furnish all the information they could. No doubt the object of the Metropolitan Valuation Act was that the value of the property in the metropolis should be valued every five years, and as that value was constantly on the increase, of course the assessments were increased from time to time. In effecting that object it was desirable that the proper ratio of increase should be secured, and in order to discover it the rent actually paid must be a criterion. He thought that Act was an admirable model for the framing of a measure hereafter with regard to the valuation of the country generally. If there was no remedy in such a case as his hon. Friend had called attention to, he (Mr. Slater-Booth) admitted that a remedy ought to be provided, and the matter should be inquired into for that purpose.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

*Sir William Fraser*

SUPPLY—CIVIL SERVICE ESTIMATES  
CLASS II.—SALARIES AND EXPENSES OF  
PUBLIC DEPARTMENTS.

SUPPLY—considered in Committee.

(In the Committee.)

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £12,000, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for Her Majesty's Foreign and other Secret Services."

Mr. DILLWYN moved an Amendment to the effect that no portion of the sum should be applied to an increase of salaries. The hon. Member said, that Mr. Rylands when in Parliament obtained the admission from Government that a portion of the money had been applied to increasing the salaries of Queen's messengers. He (Mr. Dillwyn) did not think that was a proper application of the money.

Amendment proposed,

To add, at the end of the Question, the words "provided that no part of this sum shall be applied to the increase of Salaries." — (Mr. Dillwyn.)

Question proposed, "That those words be there added."

Sir ANDREW LUSK said, a few years ago the sum asked for Secret Service was £30,000. Then it was reduced to £25,000, and now £24,000 was asked. He wished to know whether the Government could not reduce the sum to £20,000?

Mr. GATHORNE HARDY said, the hon. Baronet, being a great authority in the City of London on matters of financial administration, must know that certain occasions arose which prevented a limitation of the amount of expenditure. His hon. Friend, when serving the office of Lord Mayor, had entertained an Emperor, and no doubt he found the entertainment was more expensive than an ordinary entertainment. And so, with regard to the Secret Service, the expenditure under that head was very much larger some years than in others. As to the remarks of the hon. Member for Swansea, he might observe that the very name of this Service showed that, under certain circumstances, no limit should be placed on expendi-

ture. This fund was administered with the greatest care and without any attempt to interfere with the due control of the Crown over any of its servants. He hoped the hon. Member for Swansea would not press the Amendment, which if it were adopted would improperly interfere with the administration of the fund.

MR. W. H. SMITH also said that of late years no part of the fund had been applied to the increase of salaries.

Amendment, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £4,852, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for the Salaries and Expenses of the Department of the Queen's and Lord Treasurer's Remembrancer in the Exchequer, Scotland, of certain Officers in Scotland, and other Charges formerly paid from the Hereditary Revenue."

SIR ANDREW LUSK wanted to know who was the Lyon King-at-Arms? In regard to another item, he had never heard any reason why there should be a Bible Board at Edinburgh. Then he objected to the sum of £199 for the Queen's Plate. The previous Government was very great in some instances and in others very small. It did away at one time with the £199, and then because some one asked them they restored it. He asked the present Government to have the courage to do away with the item entirely. The money was thrown away; and, besides, it was not their duty to provide funds for races. In several places there were no horses to run, and in other cases there were "walks over." He begged to move that the £199 be deducted from the Vote. [The CHANCELLOR of the EXCHEQUER: The sum is £218.] The balance was for shooting with bows and arrows. They did not meddle with that.

Motion made, and Question proposed,

"That the Item of £99, for the Queen's Plate, Edinburgh, be omitted from the proposed Vote."—(Sir Andrew Lusk.)

MR. W. H. SMITH said, that the fees for armorial bearings exceeded the cost of the Vote, and if they did away with the Vote they would abolish the

fees, and such a result would not be satisfactory to the economical mind of the hon. Baronet. The Bible Board was an ancient institution for the purpose of securing an accurate edition of the Bible. It was formerly paid for out of the hereditary revenues, which were surrendered to the State, and he therefore thought it ought to be maintained. The question of Queen's Plates had been frequently discussed in that House. The money was omitted from the Vote in 1870 by the late Government; but in 1872 a very strong representation was made by the Scotch Members, and at their instance the Vote was restored.

MR. J. W. BARCLAY suggested that the money should be handed over to the Highland Society, when he thought it would be productive of considerable good. At present the expenditure did not tend to improve the breed of horses.

MR. M'LAREN said, when the Scotch Plates were abandoned it was hoped that the Irish Plates would be extinguished too.

SIR PATRICK O'BRIEN said, that if the Scotch Members did not wish for the Vote nobody else would object to its being discontinued. The Scotch and Irish Plates ought to be dealt with together, and he would suggest that in Ireland the Plates should be consolidated into one sum, to be run for at four places in alternate years.

MR. GOLDSMID asked how any reasonable man could imagine that they were encouraging the breed of horses by a Vote of £99? The amount should either be increased or withdrawn altogether.

MR. MACGREGOR was in favour of the retention of the item in the Vote.

MR. RAMSAY strongly supported the proposal to withdraw the Vote. He did not think the people of Scotland generally took such an interest in racing as to care for the sum in question.

MR. ORR-EWING said, that until the Members for Ireland asked to have a similar sum omitted from the Votes the Committee had no right to complain. He hoped the Government would adhere to the Vote as it then stood, and not give way to certain Scotch Members' notions on the subject of horse-racing.

MR. CONOLLY called upon the Committee not to support the hon. Baronet



the Member for Finsbury in his absurd proposition. Ireland was united in wishing to retain a similar Vote for that country, because she did not wish to give up any of her national pastimes, and he thought that although Scotchmen knew the value of a "bawbee," there were some amongst them who liked to keep up the exciting competition of horse-racing for "the Queen's Plate." If this item was withdrawn, there would be a scramble amongst Scotch Members for the bawbees to be applied in prizes for cattle or sheep or pigs.

Question put.

The Committee divided:—Ayes 43; Noes 154: Majority 111.

Original Question put, and agreed to.

(3.) £9,567, to complete the sum for the Fishery Board, Scotland.

GENERAL SIR GEORGE BALFOUR said, that in 1824 an Act was passed allotting the small sum of £3,000 per annum for the improvement of piers and quays and the small fishery harbours of Scotland, and that this grant might be said to be a part of the payments under the agreement made at the time of the Union—at all events, it had been passed by Parliament as a part of the public policy of that period, to create openings for employing the then almost starving seafaring population on the coasts of Scotland, by providing for the fisheries of Scotland convenient havens to which boats engaged in fisheries could resort, or in which, in case of gales, the boats could find protection or refuge; and from 1829, when the first grant was paid under the Act of 1824, up to 1844, the money had been applied to the purpose for which the Legislature intended, and if not honestly and with entire success, at all events with some benefit to the very defective places, to which boats employed in the sea fisheries resorted, on the exposed coasts of Scotland. In that year the small grant was first appropriated to the construction of a harbour of a general trading character, and not one for purely fishery purposes, and for many years this fund was used for the extension, or rather construction, of the harbour of Dunbar, and he complained of this as the first considerable misappropriation of this portion of the

Vote. No doubt to other places on the coast of Scotland grants had been made out of this small fund of £3,000, and no one could fail to think, on seeing the names of the owners of these fishing places, so aided, that influential parties had influenced the authorities in making grants to these favoured harbours; but it could not be denied that such places, so aided, were fishery havens, and within the Act. When the annual grants to Dunbar ceased, apparently in 1864, then the harbour of Anstruther, in Fife, was the favoured harbour, and since then the whole of this grant had been annually used for this one harbour; whereby, as he (Sir George Balfour) contended, this fund which had now for many years been applied to the improvement of the harbours of Dunbar and Anstruther, had thus deprived the many small harbours for fisheries of that aid which they so much needed to adapt them for fishery purposes, and to which they were entitled. This misapplication could not have taken place if the Act of 1824 had been enforced in accordance with its provisions. This Act required that each locality receiving aid out of the £3,000 should contribute one-fourth the outlay on the harbour improvements; and so long as the Fishery Board of Scotland were left free to decide on applications for money assistance out of the £3,000 grant, the contributions had been regularly paid, even by poor fishermen, who readily clubbed their earnings for the improvement of this little harbour. But this condition had been evaded in the application of this fund to the extensive and expensive improvements carried out at Dunbar and Anstruther, which had not supplied this portion of the expenditure required by the Act. It was true that funds were used in aid of the grant from the Fishery Board; but these were borrowed monies from the Government or in the locality, and not of the description required by the Act of 1824; and he earnestly hoped the Government would take the whole matter into consideration, in order that the money that had been misapplied out of this special grant for so many years might be refunded, with a view to effect those improvements which the fishery havens of Scotland so much needed. He made these remarks not with a view of objecting to the harbours of Dunbar and Anstruther hav-

*Mr. Conolly*



ing been aided by public money, but merely with the view of pointing out that a very small fund of £3,000, specially applicable by law to the special object of creating facilities for our poor fishermen in carrying on their dangerous employment, had been used for a purpose different from that for which it was intended. He urged that Scotland had as just a right to have harbours provided out of public monies as England, and the harbours of Dunbar and Anstruther were fairly entitled to be looked at as works of general utility needed for our general trade and for our shipping; but these improvements ought to have been carried on by special grants voted by Parliament. He must also point out that the public money spent on harbours in the two countries, out of grants specially voted by Parliament, were in great contrast. Between 1840 and 1867, a period of 27 years, upwards of £5,000,000 was spent on the harbours of England, while in the same time only about £100,000 was spent upon the harbours of Scotland, though there was much more necessity to improve and maintain the Scotch harbours than there was the English ones, because Scotland had not the same manufactures as England had, and necessarily not the same wealth and commerce by which the harbours of England could be improved, extended, and maintained. But the most objectionable feature in respect to the misapplication of this Fishery Grant of £3,000 was, that practically it was more than covered by the fee that was now paid by the fish curers for the brand applied by the officers of the Fishery Board to the barrels of herrings intended for exportation. Under the old bounty system of encouraging trade and fisheries, and by which the herring trade of Scotland was largely subsidized from the Imperial Exchequer, a fee was formerly paid to the fisheries of the United Kingdom, on the export of herrings made to the Continent; but after discontinuing this bounty for some years, the policy was reversed, and a fee was levied in 1859, on the recommendation of Sir John Shaw Lefevre, on the brand to the herring barrels, which, after the payment ceased, had been continued to be affixed to the barrels of Scotch herrings. So productive had that fee proved that in 1874 the sum of £8,625 was raised from the Scotch

herring fisheries, or nearly three times the amount of the grant for the improvement of the fishery havens, and the whole of this money was paid into the Exchequer as a part of the income of the year. Since 1859 these fees had amounted to close on £80,000; whereas the £3,000 grant for the improvements to Scotch fishery havens had only been about £48,000, nearly all of which had been spent on general harbours for commerce and trade, instead of, as the law required, on fishery havens. He would also contrast the exceptional prodigality, lately attempted to be shown by the Government towards Dover Harbour, on which it was proposed to lay out £1,000,000 sterling, and the rigid economy enforced against Scotland. The harbour of Wick, for instance, had been repeatedly reported on as deserving of public aid, particularly by the Royal Commission of 1860, but no such aid had ever been granted; whereas on harbours of England, such as Dover and Alderney, millions had been spent, and more money was yearly proposed to be spent, and, no doubt, would be laid out, whilst the many places in Scotland which, with only a fraction of the sum already spent on English harbours, could be usefully made into safe harbours, had been neglected, and the vast resources in fish in the adjacent seas, and better calculated than the land to yield wealth to the people of Scotland, and to extend industry and comfort amongst a large mass, had not been reaped, and all this loss owing to the withholding of pecuniary aid.

Mr. MACGREGOR supported the Vote. He thought the money spent upon Anstruther and Dunbar Harbours had been well spent, and he urged the Government to give more encouragement to small fishing harbours, both in Scotland and Ireland, by the advancement of small loans.

Mr. W. H. SMITH observed, that the Vote had been chiefly applied for the improvement of Anstruther Harbour; but that work was now drawing to a close, and the amount would be appropriated to another harbour for fishing purposes. He believed the hon. and gallant Gentleman was incorrect in saying that there had been any misappropriation of the Vote. There was every desire on the part of the Government that the funds intended for small

harbours and fishery purposes should be properly applied to that object.

Mr. BUTT approved the Vote and called attention to the mode in which the Scotch Fishery Board managed matters in having fishery officers at the various stations round the coast of Scotland, who taught the people the best mode of fishing. He regretted that the Fishery Board which Ireland once possessed had been abolished. This Vote, though nominally £12,000, was actually reduced to £3,000 by the small fee which had been imposed in 1856 for "branding" herrings, which produced no less than £9,000. Although the Vote was comparatively inadequate for Scotch requirements, it was larger and placed on an infinitely better basis than the sum applied to Ireland. He hoped the Chief Secretary would give the same assistance to Irish fisheries and the same protection as was afforded to the Scotch fisheries.

Mr. MORGAN LLOYD hoped that the Government would review the Vote, and that the claims of Wales would not be forgotten.

Mr. M'LAREN thought the hon. and learned Member for Limerick had somewhat misunderstood the state of affairs in Scotland. The hon. and learned Gentleman spoke of a Board superintending the deep-sea fisheries; but the Fishery Board which existed in Scotland only took charge of their herring fishery. It was an unpaid Board, while, he believed, most of the Boards in Ireland were generally not unpaid. The only use of the Board was to appoint and direct the officers to superintend the herring fishery, and see that the herrings exported were packed in a particular way, and if they were so packed, that they should be branded; and those receiving the brand on the cask had to pay a fee. The whole expenses for the brand was a little over £6,000, while the receipts were about £9,000, thus showing a large surplus—Parliament, in fact, gained £2,300. But there were other items included in the £12,000. There was £3,000 for piers, and smaller sums for cruisers and cutters. These latter sums were not in any shape or way a charge for the fisheries of Scotland. They were for what he called the police of the sea. Boats came from France, Holland, England, Ireland, and the Isle of Man, and it was necessary there should be some power to keep

them in order. When these sums were deducted there only remained some £3,000 for piers, while £9,476 was given to the Irish Fisheries. He had no objection whatever to the Irish Vote, but he denied altogether that Scotland received more than she contributed for the fisheries.

Mr. BUTT said deliberately that Ireland did not receive the benefit that Scotland did, and said what they wanted in Ireland was not a paid Board, but a Board of Irish gentlemen. Give Ireland an unpaid Board and a system of branding, such as Scotland had, free for 10 years, and then she would be able to compete with Scotland on something like equal terms. From the Scotch Union up to 1856 the Scotch fisheries had the aid of the Government.

Mr. SHAW LEFEVRE said, if Scotland really derived any great advantage from the Board and the branding system there would be force in the argument for extending it to Ireland, and perhaps to England and Wales also. The truth, however, was that the system had been condemned by three successive Royal Commissions, who had come to the conclusion that it was a bad system, and that the success of the Scotch fishing was not due to the branding at all, but to other causes. There was an immense export of herrings from the East Coast of England carried on without any branding system whatever.

Mr. J. W. BARCLAY said, that at one time there was a bounty offered in Scotland for the curing of herrings; but whether it was due to that fact that the herring fishery made such progress and became so developed he could not say. He thought the system of branding was of very great advantage to Scotland, and knowing something about the herring trade, he was prepared to state that it could not be practically carried on without that system. A number of curers tried to do away with it after a charge was made for the brand, but they found it did not succeed, and there was a much larger portion of herrings branded now than was formerly the case. As regarded the Fishery Board, he did not put too much confidence in them, because they took no interest in the catching of the fish. One other matter to which he referred was that of the two cruisers. An opinion prevailed that they

might be of much greater service than they were if they spent most of their time in harbour instead of cruising at sea. During a recent storm, when some of the fishermen lost their valuable nets, they were asked to go and see if they could find them, but they said their orders were to be confined to saving life. Now, seeing that they were there, he thought the Admiralty ought to instruct these cruisers that under the circumstances he had named they should give some little assistance to the fishermen.

MR. RAMSAY thought it was due to the officers of the Revenue cruisers to say that he met this week with a gentleman from the North of Scotland, where there was a very active branch of the fishery trade prosecuted during the summer months, and he assured him that these vessels rendered very important services to the fishermen, and on many occasions had been the means of saving their nets at sea and towing the small boats into harbour during a storm. As regarded the question which had been raised by the hon. and learned Member for Limerick (Mr. Butt), he begged to say what the Scotch Members complained of was this—that the Votes for Scotland, taken in the aggregate, did not correspond either with the population of the country or its taxation, and that there was a very undue proportion given to Ireland and to England also. [*Laughter.*] Hon. Gentlemen might laugh at his statement; but the truth was when they were called upon to deal with economy and retrenchment by their constituents they were met with the assertion, which they could not deny, that the Votes taken in the aggregate for England and Ireland, and for any branch of the public service, exceeded in amount and proportion those given to Scotland.

MR. DILLWYN objected to the practice which was growing up of discussing Votes, not with reference to the amount required for the public service, but with reference simply to the question of how much Scotland, Ireland, England, or Wales might happen to be receiving under the same head. The simple question they had to decide was, whether the Vote now before the House was good for Scotland or not, and it had nothing whatever to do with Ireland.

*Vote agreed to.*

VOL. CCXXV. [THIRD SERIES.]

(4.) £4,460, to complete the sum for the Lunacy Commission, Scotland.

(5.) £5,045, to complete the sum for the General Registrar's Office, Scotland.

(6.) £60,235, to complete the sum for the Board of Supervision and Public Health, Scotland.

MR. GOSCHEN asked whether the large increase in the Vote was due to the allowance of 4s. per head given for lunatics; also, whether that sum represented the whole of the Vote required for lunatics in Scotland, or only a part?

SIR WALTER BARTELOT inquired whether the 4s. was given for the lunatics in workhouses as well as in asylums?

SIR ANDREW LUSK asked if the Government were taking care that the money granted was properly applied?

MR. W. H. SMITH said, that the amount asked represented the whole of the normal Vote for pauper lunatics in Scotland for the year. All pauper lunatics were under the control of the Board of Lunacy, and the amount put down in the Vote was the maximum allowed per head. It did not follow that the total amount would be either required or expended; but it had been thought wise to put the full amount in the Estimate. There was no Estimate or payment made for pauper lunatics in workhouses in England, but there was in Scotland. In the case of the Irish Vote for the same purpose which had to be submitted, it represented only three-fourths of the annual amount.

MR. RAMSAY said, the grant was only given to lunatics under the control of the Lunacy Board, and that by no means embraced the whole of the lunatics in Scotland. He complained that the Scotch grant had been commenced 60 days later than the English grant, and thus Scotland had been deprived of £10,000. Injustice was consequently done to Scotland in that as in many other respects.

THE CHANCELLOR OF THE EXCHEQUER said, that he had had a good deal of communication with the hon. Member, and consequently had agreed to recommend the allowance being given for Scotch lunatics, though it would not be given in the case of England. The hon. Member now made another complaint that the grant did not commence till 60 days after the English Vote; but



then if this scheme ever came to an end, the Scotch would get paid for 60 days extra at the end of the period.

MR. RAMSAY, speaking in the name of the Scotch people, thanked the Chancellor of the Exchequer for what he had done in the matter, and said the more thoroughly he understood it the more convinced he would be that he had done what was right.

MR. M'LAREN thought there was some misunderstanding on the subject. It was a mistake to suppose that all lunatics in Scotland were paid for. No pauper lunatic was paid for, unless he was under the control of the Board of Supervision.

MR. PELL said, that by means of exceeding importunity Scotland appeared to have obtained a concession which placed her at an advantage as compared with England, and that that fact ought to serve as a hint to English Members to proceed in the same way.

MR. M'CARTHY DOWNING asked why the grant of 4s. per head for lunatics in Scotland should not be extended to Ireland and England?

SIR WALTER BARTELOT said, that it appeared that in Scotland the lunatics in union workhouses were paid for at the rate of 4s. per head, and he thought it high time for the Chancellor of the Exchequer to put the three countries on the same footing in that matter. That concession ought either to be withdrawn from Scotland or given to England and Ireland.

MR. GOSCHEN wished to know, as a matter of fact, whether anything had been given to Scotland which was withheld from England and Ireland?

THE CHANCELLOR OF THE EXCHEQUER said, the original proposal of the Government was to make a grant of 4s. a-head in respect to all lunatics under the charge of the Lunacy Commissioners; and it was made under the impression that it would work in the same way in all parts of the United Kingdom, but that it would not apply to lunatics retained in the workhouses and not under the Lunacy Commissioners. That proposal was made with reference to England. Then it was brought to their notice from Scotland that there were many classes of lunatics there which did not exist in England. The lunatics in Scotland were classified in a different way from that adopted here,

and were under the Lunacy Commissioners where that was not the case in England. The system being different in that respect, there was a difference in the payment. He did not think their English friends would be prepared to adopt the Scotch system and to have the same supervision by the Lunacy Commissioners as existed in Scotland, otherwise the case would be very much altered. Were they so, the Government would be prepared to give the grant to the same class of lunatics.

MR. ORR-EWING said, that if Scotland was dealt justly with, that was all she required. Now, as regarded medical grants, some years ago the grant for Scotland was fixed at £10,000, and it had never been since increased, while the grant for England was £157,000. Now, if England got her due proportion as regarded population, she ought only to receive £65,000. Then as regarded pauper lunatics, England received £357,000, while Scotland only got £61,000. Such figures as these could be multiplied in other cases, and they showed that Scotland had good ground for complaint.

*Vote agreed to.*

(7.) £5,360, to complete the sum for the Household of the Lord Lieutenant of Ireland.

MR. ANDERSON objected to that part of the Vote which related to Queen's Plates in Ireland. It was pointed out in the evidence taken before Lord Rosebery's Committee that the money for Queen's Plates was absolutely thrown away, so far as the breeding of horses was concerned, and that they neither amused the people nor improved the breed of the horses. It was promised last year that before another year this matter would be re-considered, in order to ascertain whether the money could not be devoted to a more useful purpose. He did not want to take the money away from Ireland, but he did desire that it should be devoted to some more useful purpose in connection with the improvement of horses.

MR. CONOLLY hoped they would be spared these vexatious interferences on the part of the Scotch Members in matters which did not concern them at all. ["Oh, oh!"] They did not understand the question, and they cared less about

it. There was a large body of Irish people who loved racing, but the Scotch were different. Their blood did not run so fast as that of the Irish, and he altogether objected to the interference in this House of Scotch Members in matters purely belonging to Ireland.

SIR MICHAEL HICKS - BEACH said, that the question of principle had been decided by the division which had already occurred that evening. He had been in communication with several hon. Members, and with some of the leading men on the Irish Turf on the subject, and they had been unable to suggest any mode in which the money could be more usefully distributed than by means of these Plates. Any practical suggestions that might be made by Gentlemen possessing local knowledge which would lead to an improvement in the breed of horses in Ireland by otherwise distributing this money would receive the careful consideration of the Government.

MR. M'LAREN, in reply to the observations of the hon. Member for Donegal (Mr. Conolly), said, the Members who were elected in Scotland were not elected for Scotland alone, they were elected to the Imperial Parliament, and as Members of that Parliament, they had a perfect right to interfere in the affairs of the whole nation. He had as much right to interfere in anything appertaining to the constituency of the hon. Member, as the hon. Member would have a right to interfere in anything affecting the constituency of Edinburgh which was brought before the House.

MR. J. W. BARCLAY suggested that some of the money which was given for Queen's Plates should be devoted to offering premiums for the best stallions.

MR. ANDERSON said, if Scotch Members had nothing to do with Irish affairs, how came it they were allowed to vote upon them? If votes in this House were confined to nationalities, the Scotch Members would manage things a great deal better than was done at present.

MR. WHITWELL objected to money being wasted in Queen's Plates.

MR. R. POWER was sorry to hear his hon. Friend who had just spoken object to Queen's Plates, because he had seen him on the back of a racehorse, though he admitted it was a broken-down one.

MR. CONOLLY said, he would apologize to the Scotch Members if he had said anything offensive to them.

GENERAL SHUTE hoped that that House would not refuse a Vote, the object of which was to preserve and improve the excellent breed of Irish horses.

MAJOR O'GORMAN had just one word to say. He hoped the Government would never give premiums for the breeding in Ireland of cocktails. Another thing he would like to see—the races for the Queen's Plates run faster, and he suggested that they should not get the money unless they did the distance in a given time.

*Vote agreed to.*

(8.) £20,165, to complete the sum for the offices of the Chief Secretary for Ireland.

(9.) £265, to complete the sum for the Boundary Survey, Ireland.

(10.) £1,621, to complete the sum for the Charitable Donations and Bequests Office, Ireland.

MR. MELDON complained of the way the Commissioners were at present appointed, and expressed a hope that the Government would institute a change.

*Vote agreed to.*

(11.) £82,355, to complete the sum for the Local Government Board, Ireland.

(12.) £4,221, to complete the sum for the Public Record Office, Ireland.

(13.) £14,331, to complete the sum for the Registrar General's Office, Ireland, &c.

(14.) £16,600, to complete the sum for the General Survey and Valuation of Ireland.

(15.) £25,692, to complete the sum for Pauper Lunatics, Ireland.

*House resumed.*

Resolutions to be reported upon *Monday* next;

Committee to sit again upon *Monday* next.

#### IRELAND—PEACE PRESERVATION ACT —CASE OF PATRICK CASEY.

##### MOTION FOR PAPERS.

MR. MITCHELL HENRY moved for Copies of Memorials and other Papers addressed to the Irish Government praying for the release of the prisoner Patrick Casey, confined under the pro-



visions of the Protection to Life and Property (Ireland) Act.

Motion made, and Question proposed,

"That there be laid before this House, Copies of all Memorials addressed to the Lord Lieutenant or the Irish Government, praying for the release of the prisoner Patrick Casey, confined under the provisions of the Protection to Life and Property (Ireland) Act:

Of all special Medical Reports in the case:

Of all special Minutes made by the Lord Lieutenant relative to the prisoner:

And, of any application made by him for liberty to marry; and of any answer thereto."  
—(Mr. Mitchell Henry.)

SIR MICHAEL HICKS-BEACH opposed the Motion, stating that all special Minutes and Papers relating to cases arising under the Westmeath Act had always been regarded as confidential. He could conceive no useful object to be gained by acceding to the Motion.

Mr. BUTT ridiculed the notion that any documents which gave absolute power to the Lord Lieutenant to commit an innocent man to prison should be considered confidential and kept secret.

Question put.

The House divided: — Ayes 28; Noes 85: Majority 57.

#### NORWICH ELECTION.

##### MESSAGE FROM THE LORDS.

The Lords acquaint this House, That Her Majesty has appointed Tuesday next, at Three o'clock, at Windsor Castle, to be attended with the Address of both Houses of Parliament on the late Election for Norwich; and that The Lords have appointed the Lord Chamberlain and the Lord Steward to attend Her Majesty therewith on the part of their Lordships; and that The Lords do desire The Commons to appoint a proportionate number of its Members to go with them.

Ordered, That Four Members of this House do go with The Lords mentioned in the said Message, to wait upon Her Majesty with the said Address.

Ordered, That Mr. Disraeli, Mr. Secretary Cross, Mr. Secretary Hardy, and the Comptroller of the Household do go with The Lords mentioned in the said Message.

Message to their Lordships, to acquaint them therewith.

#### ELEMENTARY EDUCATION ACTS AMENDMENT BILL.

On Motion of Mr. RATHBONE, Bill to provide for the filling up of casual vacancies in School Boards in certain cases by such Boards without Public Election, ordered to be brought in by Mr. RATHBONE, Mr. BIRLEY, Mr. ARTHUR

Mr. Mitchell Henry

MILLS, Mr. MUNTZ, Mr. SALT, and Mr. MOWBRAY presented, and read the first time. [Bill 236.]

House adjourned at a quarter before Two o'clock on Monday next.

## HOUSE OF LORDS.

Monday, 5th July, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Summary Prosecutions Appeals (Scotland)\* (191); Statute Law Revision \* (194).  
*Second Reading*—Ecclesiastical Commissioners (Fen Chapels)\* (172); Glebe Lands, Corporate Bodies (Ireland)\* (181).  
*Committee*—Elementary Education Provisional Order Confirmation (London) (104); Local Government Board's Provisional Orders Confirmation (Abingdon, &c.)\* (147).  
*Report*—Sale of Food and Drugs (155-193).

#### NATIONAL EDUCATION (IRELAND)—MARLBOROUGH STREET TRAINING SCHOOL.—QUESTION.

##### OBSERVATIONS.

LORD CARLINGFORD said, that having so recently addressed their Lordships on the subject of Irish Education, he would not now detain them by any long statement; and having on that occasion placed before them the statistics illustrative of the state of the question, he would not now repeat them. He presumed that it was admitted by Her Majesty's Government that there was a great deficiency of training power in Ireland for keeping up a sufficient number of teachers for the National Schools, and, that being so, he desired to urge the matter on the attention of the Government, and to ascertain whether they were prepared to take at least one step towards a remedy for that evil, by not further insisting on the present rule that all pupils should reside within the walls of the establishment, and for this purpose he was about to put the Question of which he had given Notice. He would ask the Lord President of the Council, Whether it is the intention of the Government to enable the Commissioners of National Education in Ireland to give effect to the recommendation (contained in their Letter of the 10th of December, 1874, addressed to the Chief Secretary for Ireland) that pupils admitted to Marlborough Street Training School



should be permitted to reside in private boarding-houses, to be approved of by the Commissioners, and should receive a grant sufficient to defray the cost of their living? He must go back for a moment to the time when, so far as he knew, this question was first brought forward officially. In a letter addressed by himself when Chief Secretary for Ireland in 1866 to the Irish National Commissioners, he stated—

"Her Majesty's Government, in the next place, strongly recommend a revision of the arrangements for the reception of teachers in training in force in the normal establishment in Dublin, with the view of providing, if possible, an ampler and more practical course of instruction for a larger number of teachers. They desire also to observe that there is a marked distinction between the position of students residing for a considerable time as boarders in a training institute or model school and that of day scholars attending an ordinary school; a distinction which accounts for the fact that objections are often entertained, especially by the clergy of the Roman Catholic Church, against sending teachers or pupil-teachers to an institution where their domestic life is not based, like the family life of a home, upon identity of religious belief. It appears to the Government that the double object of meeting such objections and of providing the means of retaining a larger number of teachers for a longer period in training might to a great extent be attained by permitting teachers or pupil-teachers, at their own desire or at that of the managers of schools by whom they are sent up for training, to board and lodge out of the official establishment. In such cases teachers and pupil-teachers should receive an allowance in lieu of board and lodging, and arrangements could readily be made for their reception in private boarding-houses sanctioned by the Commissioners. If a precedent were needed for such an arrangement, I find that in the Scotch Presbyterian training colleges there are no official residences for the teachers in training, who, by means of an allowance from the college, provide board and lodging for themselves."

That recommendation was unanimously accepted by the Commissioners of that day. They acted upon it, and formed an estimate to carry it into effect, which estimate was forwarded to the Lord Lieutenant. The proposition of the Commissioners was not, however, accepted by the Government—nothing came of it:—and so, for the time, the matter ended. After that, a most important Royal Commission was appointed by the Government of Lord Derby to inquire into the whole system of Irish Education, and there was a recommendation of the Commission contained in these words—

"That the scholars should be lodged in separate boarding-houses, or with persons approved by the Board, and be under the care of pastors of their own religion."

That proposal was more stringent than the one put forward more recently by the present Commissioners; because it was clear that the Royal Commission wished to put an end to the mixed boarding establishment in Marlborough Street. He had also to observe that this was a recommendation adopted by the Royal Commission unanimously—even the members who dissented from other portions of the Report gave their adhesion to it. He now came to the time when the question was again raised by the Letter addressed to the National Commissioners last autumn by Sir Michael Hicks-Beach, the present Chief Secretary. In the answer of the National Commissioners to that Letter there was this passage—

"Hitherto, all the students of the different denominations in training have not only attended in common the secular instruction of the professors, but have also at all other times lived together in the same boarding-houses. The Commissioners do not deem it advisable to depart from this system in the case of students who elect to reside in the Commissioners' boarding-houses; but with a view of meeting the objection as to common domestic life already alluded to, and further with the view of extending the operation of their training establishment, they are of opinion that the system at present in force in the Marlborough Street Training School might advantageously be modified by permitting those who are admitted to the training school to reside in private boarding-houses; these boarding-houses to be approved of by the Commissioners, and to receive a grant sufficient to defray the cost of living of the pupils so resident. These houses might, if desired, be superintended by clergymen of the same denomination with the resident pupils."

That particular recommendation was adopted by 14 of the Commissioners against 2. That was the position in which the question at this moment stood. When the noble Marquess (the Marquess of Salisbury) spoke the other night he did not understand him to express any opinion on the recommendation to which he had just referred, and hence he thought it right to put his Question to the Lord President. He knew it had been said over and over again that the difficulty on the point was caused by the influence of the Roman Catholic priests in Ireland, and that but for that influence the teachers under training would be willing to live within

the same establishment. That seemed to be accepted as a reason for not meeting the demand which he wished to now urge upon the Government. He did not think it was a valid one. The fact should be recognized. He did not share in the feelings which brought about the influence in question, but he could not say that he was surprised at it. It prevailed in this country, and under circumstances of much less difficulty, and it was manifested by fathers and mothers agreeing with the clergy that when sending their sons and daughters away from their own family, they should be put to reside with persons of the religious body of which that family were members. He asked the Government to recognize the state of things in Ireland. He thought it would be the very pedantry of administration to refuse this change, by which he believed, without any sacrifice of anything that could be called principle, they could extend the usefulness of the training establishment in Marlborough Street, Dublin.

THE DUKE OF RICHMOND said, he was not at all surprised, knowing the deep interest which the noble Lord took in the subject of education in Ireland, and who was himself connected with that country, that he should have put the Question to Her Majesty's Government. The importance of having trained teachers must be recognized in the case of Ireland as well as that of this country; but, on the part of Her Majesty's Government, he regretted that it would be his duty to reply in the negative to that inquiry, and that for reasons which he was sure their Lordships would consider valid and sound. It was not the intention of Her Majesty's Government to enable the Commissioners of National Education in Ireland to give effect to the recommendation contained in their Letter of the 10th December, 1874, addressed to the Chief Secretary for Ireland, that pupils admitted to Marlborough Street Training School should be permitted to reside in private boarding-houses, to be approved of by the Commissioners, and should receive a grant sufficient to defray the cost of their living. There were three grounds on which the course recommended by the noble Lord might be defended. First, it might be defended if the training establishment in Marlborough Street were full and could not

accommodate a larger number of students than at present. But he was informed that it was not now full, and that, did occasion require, arrangements might be made for the accommodation of even a larger number of students than its regular number. Again, the course proposed by the noble Lord might be defended on financial grounds—if, supposing the school were full, it could be shown that it was a more economical arrangement to allow the students to board out rather than enlarge the institution; but nothing of the kind could be shown, because if in addition to the maintenance of the Marlborough establishment students were to be kept in boarding-houses outside, at probably a larger cost than that at which they could be boarded and lodged in that establishment, Parliament must be asked for additional sums for the purposes of Irish national education; so that the arrangement would be the reverse of an economical one. The third ground on which the proposal might be defended was that it would satisfy the Roman Catholics of Ireland. Would it? In anything that he might say he wished to speak with all respect to that body, and he wished to say nothing that might be distasteful to any Roman Catholic Member of that House; but when representations were made that what was proposed by the noble Lord would be an arrangement satisfactory to the Roman Catholics of Ireland, and would meet the Education difficulty, he thought he was entitled to say there was the best evidence to show that it would not do so. Had any application been made to either House of Parliament on the matter by those who were competent to speak for them? or had there been any declaration on their behalf that the proposed arrangement would meet the difficulty? There was the best possible evidence that it would not meet the difficulty and that it would not satisfy the Catholics of Ireland. Cardinal Cullen was examined before the Royal Commission to which the noble Lord had referred, and which was presided over by Lord Powis. He begged leave to read a question and answer which would be found in the official Report of Cardinal Cullen's examination—

—What is your view of the scheme that was sketched out by Mr. C. Fortescue's letter two years ago?—There were some good things in it,

*Lord Carlingford*

I believe, but I do not recollect it very well at present, as I have not read it lately. As far as I remember, he proposed that, in connection with the training schools, there should be separate boarding-houses for Catholics and for Protestants, but that all under training should meet in the same classes; that there should be a Protestant chaplain for Protestants and a Catholic chaplain for Catholics. This part of the project would not be satisfactory."

He thought he was justified in saying that the proposal of the noble Lord would not be satisfactory to the Roman Catholics of Ireland. Until he heard that Cardinal Cullen and those who acted with him had altered the opinion expressed by him in that answer to the Commission he must be excused if he declined to believe that the proposal would be satisfactory to the Roman Catholics of Ireland. He now came to the difficulty of adopting such a proposal—one which the noble Lord admitted, and which certainly the Government of which the noble Lord was a Member appeared to have felt. The noble Lord wrote the Letter from which he had quoted on the 18th of May, 1866, and on the 19th the Government of which he was a Member resigned office. The Government of Lord Derby, which succeeded to it, was in office from that time till some time in 1868—about two years. During that time no step such as that indicated by the noble Lord was taken by the Government; but in 1868 the Government in which the noble Lord was for so long a time Chief Secretary for Ireland came in. They had the noble Lord's Letter and the Report of the Royal Commission before them during the years they were in office; but, to use the noble Lord's phrase, "nothing came of it" all that time. It must be assumed, therefore, that the Government of which the noble Lord was a Member felt the difficulty of the question quite as much as did the Government of Lord Derby or the present Government, so that he thought he might ask the noble Lord to apply his reproach of "pedantry of administration" to the course taken by the late Government if the reproach was at all applicable.

LORD O'HAGAN said, the argument of the noble Duke was not conclusive—it would be difficult to find an Irish question that was not beset with difficulties, and the question of Irish Education was certainly not one of them, but he held that whatever Government might

be in power ought to undertake considerable labour, and, if necessary, to run considerable risk in order to overcome it. Neither did it follow that because one Government avoided the task, another was justified in abandoning it also. The grievance was confessed, and the subject was not one to be bandied about from one Government to another while the want was allowed to remain. He was not there to defend any Government in the matter—he was there to say that it was a question of duty with any Government. Neither was he there to say that the proposal of his noble Friend would accomplish everything, nor to assert that much more was not required, and that the system of national education in Ireland should not approximate more nearly to the system that prevailed in this country. He did, however, assert that the proposal of his noble Friend would do something, and would enable many young men and women to become trained teachers who would not avail themselves of the establishment in Marlborough Street. Everybody knew that the training system of Ireland was miserably defective, and that without an efficient training efficient teachers could not be produced. The noble Duke had put forward a fiscal objection against the proposal. His reply was that such a question ought not to be determined by cheese-paring considerations. Then the noble Duke quoted an answer made by Cardinal Cullen in reply to a question put to him before the Commission, and relied on that answer as showing that what his noble Friend demanded would not be satisfactory to the Roman Catholics of Ireland. If his Eminence had been asked about the system of Irish national education as a whole, his answer, and not inconsistently, might have been somewhat similar. It amounted to saying that the adoption of his noble Friend's proposition would not make the Irish system fulfil all the conditions of excellence in national education; but it did not amount to saying that the plan would not effect something in that direction. He was not there on that occasion to argue the question of denominationalism in education; but he might observe that the adoption of his noble Friend's proposal would be a step very far short of the adoption of that system. The real objection to the proposed arrangement was based on the idea that



we should not have a denominational system of education in Ireland; but it existed in the case of Irish industrial schools, Irish reformatory schools, and to a certain extent also in the case of the Queen's Colleges, so far as the residence of students in licensed houses was concerned, and there was no reason in principle why it should not also be allowed in the case of the Marlborough Street Training School.

LORD CARLINGFORD wished to make a remark or two in reply to something that had been said by the noble Duke.

THE DUKE OF RICHMOND rose to Order. He submitted that the noble Lord, who had already gone at length—though not at unnecessary length—into the subject of his Question, would be out of Order in making a speech in reply when there was no Motion before their Lordships.

EARL GRANVILLE said, there could be no doubt that a reply was only usual when a Motion was before the House; but when a Question put on Notice gave rise to a debate or a conversation he thought it was usual by courtesy to allow a reply.

THE LORD CHANCELLOR said, that on this point the practice of their Lordships' House and that of the other House of Parliament were quite in accordance with each other. A Standing Order of their Lordships' House required that Notice should be given of a Question; but that was in order that noble Peers who wished to speak on the subject might do so. There was, however, no right of reply. The Question of which Notice had been given according to the Rule of the House had been answered.

EARL GRANVILLE reminded the noble and learned Lord on the Woolsack that the practice of their Lordships' House was not governed by that of the House of Commons.

THE LORD CHANCELLOR assured the noble Earl that he had not said it was. What he said was, that on this particular point the practice of their Lordships' House and that of the other House of Parliament was quite in accord.

VISCOUNT CARDWELL remarked that no debate was allowed on a Question in the other House of Parliament.

## SALE OF FOOD AND DRUGS BILL.

(*The Lord President.*)

(NOS. 112-155). REPORT OF AMENDMENTS.

Amendments reported (according to Order).

LORD EGERTON OF TATTON objected to the word "knowingly" in Clauses 3 and 4. How could it be proved that any tradesman was knowingly guilty that he was selling adulterated food or drugs? He contended that if this word should be allowed to remain in these clauses the Government might as well withdraw the Bill at once, as it would become a dead letter. He therefore moved that the word be omitted.

LORD ABERDARE said, that the noble Lord had anticipated the observations which he had intended to make; but he would add one argument, and that was that these clauses, as they stood, would considerably strengthen the position of every dishonest tradesman. Moreover, as the retailer and his wife could give evidence as to the state in which they had received the goods, no hardship would be done to the retailer by the omission of the word.

THE DUKE OF RICHMOND said, that since the Bill passed through Committee he had received a vast number of communications, urging upon him the objections which had been raised by the noble Lords who had just addressed the House. He had also been informed that the matter had been discussed in quarter sessions with the same result; and he had the greatest possible respect for the opinion of these Courts on points connected with the administration of the law, believing that the justices generally took a practical and sound view of the law. Under these circumstances, he thought it would be for the convenience of the House to re-consider the decision at which it had arrived. He should, therefore, on the Motion for the third reading of the Bill, move the omission of the word "knowingly" and the insertion of such other words as might be necessary to meet the objections which had been urged. That would leave to every tradesman the power of showing that he had no guilty knowledge of the adulteration.

LORD EGERTON OF TATTON said, that upon that understanding he would not press his Amendment.

LORD PENZANCE moved to omit from Clause 5, lines 26, 27, 28, 29, the sub-section which excepted from punishment for adulteration persons who sold articles—

“Where any harmless matter or ingredient is mixed therewith for the purpose of making them portable or palatable, of preserving them, or of improving their appearance, provided such matter is not used for the purpose of concealing the inferior quality of the article.”

He contended that if the clause were allowed to stand as at present it would practically afford no security to the purchaser of any food or drugs. The first part of the clause was quite correct; but the exception, which allowed any harmless matter or ingredient which made food portable or palatable, or for the purpose of preserving it to be mixed with it, unless such matter was used to enable the seller to dispose of an inferior article, neutralized it. He had puzzled himself in trying to understand what the draftsman meant by the word “portable” as applied to food. As to palatable a customer would be told that chicory made coffee more palatable, and the tradesman would escape the penalty, as the word would protect him. Then, as to preserving or improving the appearance of any article, the tradesman would say that butter was preserved by being mixed with lard, and bread improved in appearance by being mixed with alum, and under this exception in the clause would escape punishment. He would suggest that the exception should be withdrawn, and that Clauses 5 and 7 should be made to run together, and that tradesmen should state in writing or by printed statements whether the article of food or the drug was of the sort or nature demanded by the purchaser.

THE DUKE OF RICHMOND observed, that an article might be “portable” without requiring a handle—as, for instance, ether. Then, as to the mixing of articles, he did not suppose it would be possible to get lard without salt. However, the noble and learned Lord had put his objections with such force that it was difficult to say that the clause did not require further consideration. He would endeavour before the third reading to give effect to the noble and learned Lord’s views by amending Clause 5 so as to make it agree with Clause 7, and

on this understanding he hoped the noble and learned Lord would allow the clause to remain in its present shape.

EARL GRANVILLE thought the words might very well be omitted now, and any Amendment that might be required in the 7th clause could be introduced on the third reading.

THE LORD CHANCELLOR pointed out that that would be an unusual course. In the present case it was particularly important that an Amendment should not be lightly made, because, if he mistook not, the words in question were introduced into the Bill in the other House of Parliament.

EARL FORTESCUE called attention to the danger which might arise from the dilution of drugs even with harmless ingredients, and urged the advantage of having drugs of identical strength and quality sold throughout the United Kingdom.

LORD PENZANCE said, that he was perfectly satisfied with the assurance of the noble Duke that he would consider his objection and deal with it on the third reading; and would not press his Amendment. He desired that every purchaser should have security that he purchased the article which he wanted, and that he should have notice from the tradesman if the article was mixed with something else.

THE MARQUESS OF SALISBURY said, there were some articles which must of necessity be mixed to make them palatable as articles of food. The logical consequence of the clause would be to compel bakers to label their bread “salted.” If they made the clause too stringent it would be unworkable.

LORD PENZANCE said, absolute chemical purity was not required. A number of articles of food were commonly prepared in a particular way, and if the purchaser obtained them of the nature, substance, and quality he demanded he had no reason to complain.

Amendment (by leave of the House) withdrawn.

Clause 7 (Protection from offences by giving of label).

LORD REDESDALE moved to add to the clause

“and truly stating the thing or things mixed with the article, and the percentage which such thing or things bear to the article.”

After short conversation, Amendment negatived.

Bill to be read 3<sup>d</sup> on *Monday* next, and to be *printed*, as amended. (No. 93.)

ELEMENTARY EDUCATION  
PROVISIONAL ORDERS CONFIRMATION  
(LONDON) BILL—(No. 104.)

(*The Lord President.*)

COMMITTEE.

Order of the Day for the House to be put into a Committee read.

EARL GRANVILLE asked for some explanation of the working of the Code in England and Scotland with reference to rural schools.

THE DUKE OF RICHMOND: The special provisions of the Code in favour of rural schools are as follows:—

"Article 20.—Scholars.—1. Scholars who live more than two miles from school may be presented for examination after 150, *vice* 250, attendances."

"Article 60.—Teachers.—2. Small schools—*i.e.*, of less than 60 scholars, may be taught by ex-pupil teachers specially certificated for charge of schools of this size."

"Article 59, (b) England, (c) Scotland.—3. When the population within three miles of a school—having no other school available for them—is less than 100, special certificates may be given to women over 30 years of age who have had some experience as teachers, qualifying them for charge of such schools."

"Article 19 *D.*—Managers (income).—4. When the population within two miles of a school is less than 200 to 300, and has no other school to go to within three miles, a special grant of £15-10 is given on a good report from inspector, in addition to what is earned by examination."

"In schools of this size (30 to 50 scholars) the grants so earned will be small, and the cost of a certificated teacher for 40 scholars is as much as for 80."

The special provisions for Scotland are these:—Article 19 *D.*—Previous provision (4) assumes that there will be a centre at which the children (who must be, at least, 15 in number) can meet in a suitable schoolroom, which for very small schools may be of a humble, but decent, character. But, in thinly-peopled districts, where less than 15 children can be got together, an ex-pupil-teacher may be employed to work under the care of a certificated teacher of some central school, and may teach children at their own homes, or elsewhere, and at one or more places of meeting. Children whom he has so instructed for, at least, 60 days in the year may attend the examination,

and rank as scholars of the central school, and if 15 pass a double grant will be made on their behalf. If any such itinerant master brings up 15 children to the central school for examination, an extra grant of £10 is paid to the school fund towards his expenses. Under the Revised Code, 1870 (Articles 131-141), one certificated teacher was considered sufficient to look after two or six uncertificated teachers, and a school population of from 40 to 600 children, in schools for 20 or 80 scholars each. He had to be employed 12 hours per week. It is better to have a responsible teacher for each school, and to enable managers to pay him or her a fair salary. There are many districts in Scotland where this provision seems likely to answer. There are few in England, but if the experiment answers in Scotland, it may be tried also in England.

House in Committee; Amendment made: The Report thereof to be received *To-morrow*.

STATUTE LAW REVISION BILL [H.L.]

A Bill for further promoting the Revision of the Statute Law by repealing certain enactments which have ceased to be in force or have become unnecessary—Was presented by The Lord Chancellor; read 1<sup>st</sup>. (No. 194.)

House adjourned at Seven o'clock,  
till To-morrow, half past  
Ten o'clock.

HOUSE OF COMMONS,

*Monday, 5th July, 1875.*

MINUTES.]—SUPPLY—considered in Committee—Resolutions [July 1 and 2] reported.

RESOLUTION IN COMMITTEE—Public Works [Consolidated Fund].

PUBLIC BILLS—Ordered—First Reading—Metropolitan Board of Works Acts Amendment\* [237]; Industrial and Provident Societies Acts Amendment\* [238].

Second Reading—Artizans Dwellings (Scotland)\* [229]; Drainage and Improvement of Lands (Ireland) Provisional Order\* [231]; Local Government Board (Ireland) Provisional Order Confirmation (No. 2)\* [232].

Committee—Supreme Court of Judicature Act (1873) Amendment (No. 2) [162]—R.P.; Tramways Orders Confirmation\* [220]—R.P.; Militia Laws Consolidation and Amendment (*pro-comm*)\* [202]—R.P.



*Committee — Report — Drugging of Animals* \* [184-236].

*Considered as amended*—Pacific Islanders Protection \* [182].

*Third Reading*—Police Constables (Scotland) \* [213]; Bridges (Ireland) \* [226], and *passed*.

*Withdrawn*—Labourers Cottages \* [144].

NAVY (SHIPS BALLASTED)—H.M.S.

"OSBORNE."—QUESTION.

CAPTAIN PIM asked the First Lord of the Admiralty, If he will state the reason why the name of Her Majesty's ship "Osborne" was not included in the Return, "Navy (Ships Ballasted)," ordered to be printed on the 8th June last, although the "Osborne" is a paddlewheel steamer, and has about 100 tons of ballast on board to make her seaworthy; and, if he can state whether there are not other ships besides the twenty-two carrying 2,700 tons of ballast which have been omitted from that Return?

MR. HUNT, in reply, said, that he was informed of the fact that the omission arose simply from an oversight on the part of the officer who was responsible, and that the person who actually made out the Return omitted the name in consequence of the probable immediate removal of the ballast. There were not, as the hon. Member supposed, 100 tons of ballast in her, but only 32 tons. Originally there were 43 tons, but it had been reduced to 32 tons, and it would eventually be removed altogether. There were no other ships which had been omitted from the Return.

IRELAND—IRISH CHURCH ACT, 1869—

CLAUSE 25—PRESERVATION OF NATIONAL MONUMENTS.—QUESTION.

MR. MITCHELL HENRY asked the Secretary to the Treasury, Whether the gentleman who has been appointed to superintend the preservation of the National Monuments in Ireland had made the ancient architecture of Ireland a subject of previous study; and, whether the Secretary to the Treasury has any objection to lay upon the Table of the House a Copy of the Instructions under which he is to act?

MR. W. H. SMITH: Sir, Mr. Deane, the gentleman who has been appointed to superintend the preservation of the national monuments in Ireland, was recommended for that appointment by the Commissioners of Public Works in Ire-

land, as being an architect of recognized ability and extensive experience, and as being also acquainted with ancient Irish monuments, to which he has given great attention. There is no objection to lay upon the Table a Copy of the Instructions under which he acts.

PARLIAMENT—BUSINESS OF THE HOUSE.—QUESTION.

SIR JAMES HOGG asked the First Lord of the Treasury, Whether he can arrange the business of the House, so as to allow the Metropolis Gas Bill to come on at an hour when discussion can take place; and, if he cannot do so this evening, whether he can make such an arrangement for Thursday the 8th of July, or some early day?

MR. DISRAELI, in reply, said, he would have been glad to assist his hon. and gallant Friend, but he really could not make any arrangement at present, or even for Thursday, the 8th of July. When the business of the Government was further advanced, perhaps he might be able to make a statement that would be more satisfactory to his hon. and gallant Friend.

In reply to Mr. RATHBONE,

MR. DISRAELI said, he could not fix the day for discussing the Merchant Shipping Bill, though he felt a confident hope that day was approaching.

ENDOWED SCHOOLS COMMISSIONERS—THE EXETER ENDOWED SCHOOLS SCHEME.—QUESTION.

MR. W. E. FORSTER asked the Vice President of the Committee of Council on Education, Whether he will withdraw the Copy of scheme for the management of St. John's Hospital and other Charities and Endowments in the city of Exeter; and lay upon the Table of the House, in its place, a Copy of the scheme which was actually approved by the late Endowed School Commissioners, Lord Lyttelton and Mr. Roby, together with the alterations made therein by the Education Department?

VISCOUNT SANDON: Sir, before I answer the actual Question of my right hon. Friend, it is necessary that I should give a short explanation as to the date and the signatures appended to the Exeter scheme. The incorrect date was, I find, the error of the copyist; the

copies of the scheme delivered to the other House of Parliament had the correct date. As to the signatures of Lord Lyttelton and Mr. Roby, neither the Lord President nor myself were aware that they were printed with the Exeter scheme till we saw the Question of the hon. Member for Hythe, and they were appended by the Office to the Copy laid before the House in compliance with ordinary practice. The case, however, of the signature of schemes submitted to the Committee of Council by the old Commissioners, and having to be considered and amended after their powers have ceased, is full of legal difficulty; but, so far as we have been able at present to ascertain, the course pursued by the Office as to the signatures in the Exeter case was technically correct. However that may be technically, we think that hon. Members might justly complain that they had been misled—I need not say most unintentionally—as to the altered scheme, owing to the signatures which they saw attached to it. As it is all-important that the House should have full confidence of being always dealt with in perfect frankness as to documents placed before it, the Government think it best to move that the Order by which these Papers were laid on the Table be at once discharged; so that hon. Members may have again the full two months for raising objections, if they desire to do so. Respecting the course to be pursued hereafter as to the signatures attached to schemes belonging to the transition period between the two Commissions, we have now referred this complicated matter to the Law Officers of the Crown, and shall be entirely guided by their opinions. I beg, therefore, to move that the Order that the Copy of the scheme for the management of St. John's Hospital and other charities and endowments in the City of Exeter lie on the Table be discharged.

MR. W. E. FORSTER said, that after the very satisfactory statement of his noble Friend, he wished to repeat that he was perfectly sure the mistake was quite unintentional. Of course he should now withdraw the Motion of which he had given Notice with reference to the merits of the scheme.

*Motion agreed to.*

*Order discharged.*

*Viscount Sandon*

#### CRIMINAL LAW—TREATMENT OF PRISONERS—DEVONPORT GAOL.

##### QUESTION.

MR. H. T. COLE asked the First Lord of the Admiralty, Whether his attention has been called to a letter of Mr. Tallack, the Secretary of the Howard Association, in "The Daily News" of Saturday last, on the subject of the treatment of prisoners in Devonport Gaol; and, whether, with reference thereto and his own remarks on the subject, he has any objection to lay before the House the Correspondence between the naval authorities and the magistrates of Devonport on the subject of the removal of naval prisoners from Devonport Gaol, and the statistics, if any, upon which the removal was directed?

MR. HUNT, in reply, said, his attention had not been called to the letter in question. He had, however, received a letter complaining of reflections supposed to be cast by him (Mr. Hunt) upon the Governor of the Devonport Gaol. Now, he had made no reflections upon the Governor of the Devonport Gaol; he had alluded only to the system which, he said, was the reason why naval prisoners had been removed from that gaol. He had no objection to lay on the Table the Correspondence referred to, together with some other Papers on the same subject.

#### OFFENCES AGAINST THE PERSON BILL

##### QUESTION.

MR. VANCE asked the honourable and learned Member for Salford, If he intends to move that night that the Lords' Amendments to the Offences against the Person Bill should or should not be agreed to?

MR. CHARLEY, in reply, said, he intended to move that the Lords' Amendments to the Bill should be considered that night.

MR. VANCE asked whether the honourable and learned Member intended to move their reception or rejection?

MR. SPEAKER said, the hon. Member had received a specific answer to his Question. When the Order of the Day was called on would be the time for the hon. and learned Member to say what he intended to do.

VISIT OF H.R.H. THE PRINCE OF WALES  
TO INDIA.—NOTICE.

MR. DISRAELI: Sir, I beg to give Notice that on Thursday, in Committee of Supply, I shall make a statement to the Committee respecting the intended visit of His Royal Highness the Prince of Wales to India, and submit an Estimate.

SUPREME COURT OF JUDICATURE ACT  
(1873) AMENDMENT (No. 2) BILL.—[Lords.]

(Mr. Attorney General.)

[BILL 162.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(Mr. Attorney General.)

SIR HENRY JAMES, while deprecating at that stage any criticism on the mere details of the measure, thought some saving of time might be effected if the attention of the House were now called to some of the leading matters in the legislation proposed by the Bill. On the occasion of its second reading the hon. and learned Gentleman the Attorney General said public opinion was not ripe yet in regard to the question of abolishing the Appellate Jurisdiction of the House of Lords, and he (Sir Henry James) gathered, therefore, that the Government were likely to be guided by, and to attach great weight to, the opinion of members of the legal profession. Consequently, it would be well to give to legal Members of the House an opportunity now of expressing their views to the Government in respect to certain matters proposed to be effected by the Bill. In the first place, he desired to allude to the proposed diminution of the number of Judges now sitting in the Courts of Common Law. If the Bill passed in its present form, the number of those Judges would be reduced from 18 to 15. He was aware that that reduction was also included in the Bill of 1873; but as far as he could throw any obstacles in the way of such a reduction he should do so, believing, as he did, that it would be a most undesirable piece of economy to allow the administration of justice to be brought to a dead-lock, as it certainly would be, by diminishing the number of Judges. He was quite aware that within the last five years the number of Judges had been in-

creased from 15 to 18 on account of the additional duties cast upon them by the trial of Election Petitions, and he was also equally aware that those three extra Judges had not been fully occupied in trying those Petitions; but their services were wanted quite apart from the question of election trials, because the increased wealth of the country, and the consequent increase of litigation and multiplication of tribunals had long since caused the original number of 15 Judges to be insufficient. It had been demonstrated that, without any more continuous proceedings than they had at the present moment, there were not Judges enough to fulfill the duties cast upon them. In proof of that he might mention that the condition of business in the Court in which heavy commercial causes were tried, the Court of Queen's Bench, was at present such as, if known to the country, would be regarded as a great scandal. The Court could only sit three times a-year, and for only 12 days at a time. When they resumed their sittings six or seven days ago, there were 186 causes waiting to be heard, some of them, to his knowledge, having been waiting for two years. In the Court of Exchequer there were also 92 remanets, and in the Common Pleas 37; and to these there were added 108 new causes in the Queen's Bench, 111 in the Common Pleas, and 112 in the Exchequer, and of those numbers there would be a large proportion of special jury cases in each Court. Going on in that way it became apparent something must be done to get rid of the enormous number of remanets, and to provide Courts of Law in which suitors could enter without being liable to such delays. Not only were the lists heavy, but they by no means represented the number of causes suitors were anxious to try, because they were driven from Court, and made money sacrifices in consequence of the difficulty in obtaining justice. It was for that reason, therefore, that the Judicature Act of 1873 provided for continuous sittings, but those continuous sittings would become impossible if the number of Judges was to be reduced from 18 to 15. The Circuits required 14, and one Judge must sit in Chambers, to say nothing of the assistance they had to render at the Central Criminal Court, or of the allowances to be made on account of indisposition, so that there must be long in-



tervals, at all events during Circuit time, when they could have no Judge at liberty to sit at *Nisi Prius*. They could not hope to reduce the time employed on Circuit, because it was already insufficient for the transaction of the business, and the Judges were forced to ask Commissioners to sit for them, and the result was that on the second or third day of the Assizes judicial duties had to be performed by barristers. Such a state of things was injurious to the public service, and reflected discredit upon our administration of justice. He trusted, therefore, that in this matter of the number of Judges the Government would yield to what was the unanimous opinion of the legal profession, of the Judges themselves, and of the public. Then there was another matter. The importance of every Court of Appeal being stronger than the Court over which it had jurisdiction in the way of appeal could not be overrated. The Prime Minister once stated that a Court of Appeal settled the law; and if they now unsettled it by a Court of Appeal too hastily constituted, they would be doing injury for years to come by establishing precedents which ought not to be followed. The Court of Appeal proposed by the Bill, when its constitution was considered, could give satisfaction to nobody, because it would be weaker than the Courts over which it would have to preside and whose decisions it would have to review. The Bill provided practically that the Court, for the purpose of hearing causes, should consist of two Lords Justices, two Members of the Judicial Committee of the Privy Council, and one Judge nominated by the Government. He was speaking rather for the Common Law branch of the profession than the Equity branch, as the latter would have substantially the same appeal as at present—namely, the two Lords Justices; but in regard to the Queen's Bench, the Common Pleas, and the Exchequer, to hear appeals from the Judges of those Courts—Judges of great learning and long training, who had spent years in considering our Common Law—they would have a Court composed of men who had for years been unaccustomed to the Common Law. They would have two Members of the Privy Council, and some other person who, so far as the Bill went, might be an Equity lawyer also, determining whether the decisions

of the Common Law Courts had been correct. The two Members of the Privy Council would themselves object to the arrangement as a breach of Parliamentary faith, they having been appointed on the understanding that they might be transferred to a Supreme and Final Court of Appeal, whereas it was now proposed to place them in a Court from which an appeal would lie to the House of Lords. His objection, however, was founded more on a consideration for the interests of the public, and he thought it would be a grievous wrong to our colonial subjects, who were compelled to bring their appeals to London in order to get a stronger Court, to take away from that Court two of its strongest and, in matters of colonial law, most experienced Judges, in order to place them in a Court in which they would have to hear appeals from Judges who, in the matter of Common Law, they would be the first to admit were stronger than themselves. Those were the principal points to which he wished to call the attention of the Government. He hoped they would at least give heed to the Amendment of his hon. Friend the Member for East Sussex (Mr. Gregory), that the fifth Judge of the New Court should be a Judge of Common Law, and he would go further and suggest that, instead of taking from the Judicial Committee of the Privy Council two Members who could ill be spared, they should join to the Lords Justices two Judges who had had seven or ten years experience in the Common Law Courts. They would then have a satisfactory tribunal, whereas such a Court of Appeal as was proposed by the Bill would inspire no confidence, and would be a disgrace to and unworthy of the country.

MR. LOPES said, that, never having been an admirer of it, he had done what he could in opposition to the Bill of 1873, and his feeling since then had undergone no change. No doubt, that Act did introduce two most valuable changes. In the first place, it enabled a Court to deal with every case which came before it, whether legal or equitable; and, secondly, it provided that for the future there should be continuous sittings in London and Middlesex. These were vast improvements; the second especially, as tending to remove what was at present a positive scandal upon our present system, but they might have been effected by a very small mea-

*Sir Henry James*

sure. With these two exceptions, the Act of 1873 was a gigantic imposition. He believed that if anybody left this country and returned two years hence to Westminster Hall or Lincoln's Inn, he would fail to see that any change had been effected. It pretended to consolidate into one Court all the Courts of Law and Equity, but it did nothing of the kind. It disestablished the Courts, but then it re-established them under the name of "Divisions." No. 1 was to be the Court of Equity; No. 2, the Court of Queen's Bench; No. 3, the Court of Common Pleas; and No. 4, the Court of Exchequer; and, was it likely, that for Chancery proceedings, suitors would go to Nos. 2, 3, or 4; and would not the several Courts have retained their distinctive kind of business? What it did was nominal, not real. Law and Equity never could be fused. They might be concurrently administered, but one mode of procedure could not properly suit both of them. It was said that lawyers were well satisfied with the existing state of things; but nothing was so remunerative to the legal profession as changes, especially changes in practice; and the effect of the proposed changes in pleading, practice, and procedure would be to put the litigant to endless expense, and be highly remunerative to the profession. The next point to which he must refer was the proposed reduction in the number of the Judges. The Common Law Judges were at present 18, and the effect of the Act of 1873 and of this Bill would be to reduce the number to 15. Why was that reduction to be made? Was it because the Judges had not enough to do. At the sittings after Term in Middlesex 15 cases were disposed of, leaving 130 remainets. At the Guildhall sittings there were 138 special jury cases; and he ventured to say, at the end of these sittings next Saturday, at least 120 would be left undisposed of for the next five months. The Circuits required 14 Judges, and one Judge must sit at Chambers for interlocutory matters. The whole number of Judges was thus exhausted. In that case, what was to be done with the proposed continuous sittings in London and Middlesex? What was to be done with the Election Petitions, which it was now proposed should be tried, not by one Judge, but by two judges? Then, again, the Central Cri-

minal Court required a Judge, and a Common Law Judge was to be utilized as Chief Judge in Bankruptcy. Eighteen Judges, at least, according to his calculation, would be necessary to effect all this, without making any allowance for illness; but the Act of 1873 and this Bill, as he had said, provided only 15. The proposed Appeal Court was to do the duty hitherto done by the Lords Justices and the Exchequer Chamber; but they were to do more than that. There would be a vast amount of fresh work. This statement he submitted to the House on the authority of Judges, including Mr. Baron Bramwell, from whom he had received a letter on the subject. There was another matter. Nearly a volume of rules and orders had been attached to this Bill. The hon. and learned Attorney General had suggested, on the second reading, that they should receive them in draft, swallowing them in whole; but he was not prepared to do that. Some of them were highly technical, and could not be discussed in the House; but there were others which introduced great constitutional changes, and it was imperatively necessary that they should be fully understood by the House. It was proposed, for instance, to do away with the great constitutional privilege given to litigants of tendering a bill of exceptions, whatever the feeling of the Judge might be who tried the cause. The power of excepting to the ruling of the Judges was a valuable privilege, and he was so much opposed to any increase of the power of the Judges in this, as indeed in other respects, that when the proper time arrived, he should move an Amendment that the bill of exceptions should be preserved. Again, under the Act of 1873 and this Bill, if a Judge misdirected a jury or improperly received or rejected evidence, a new trial was not to be granted, unless the Court before whom the case came should be of opinion that the miscarriage of justice was caused by the misdirection; unless the jury had been affected by it, Judges were so apt to think they were right when they were wrong, that that would be a very dangerous inroad indeed. Hitherto, save in a few exceptional cases, costs had always followed the event, and in no case was the successful party deprived of his costs; but the Bill proposed to give a Judge absolute discretion, so that a



Judge who disapproved a verdict might order a successful defendant to bear the costs of an action. The Bill, in short, proposed such violent changes, that it would not be safe to permit them to pass *sub silentio*; and it was expedient to call attention to them at this stage to justify and explain the scope of Amendments which had been placed on the Paper.

Mr. WATKIN WILLIAMS said, they were all anxious to get into Committee, and to pass the Bill without any unnecessary delay, after making certain Amendments; but it would shorten the discussion of details in Committee if attention were now called to certain matters of principle involved in the provisions of the Bill, which he maintained were of such a nature that they must be resisted. In 1873, he had thought that it was prudent to reduce the number of the Judges; but since the second reading of this Bill he had been convinced of his error, and obliged to recant his former opinion. The changes contemplated, particularly continuous sittings at London and Middlesex for the trial of causes, would increase the work of the Judges; and his hon. and learned Friend the Member for Taunton (Sir Henry James) had understated rather than overstated his case as to the amount of arrears. That morning he (Mr. Watkin Williams) had received a letter from the Lord Chief Baron, who said the business of the country and the business of the Courts had been progressively increasing during the last three years, and notwithstanding the efforts made by the Judges, by holding two Courts *in Banco* and two *Nisi Prius* Courts, it was impossible to keep down the arrears, which were increasing every Term and every sitting; and therefore to reduce the number of Judges from six to five in each Court would really be to cripple the administration of justice in each Court, and to disable the Judges for adequately performing the duties of each Court. The Lord Chief Baron added that that opinion had been concurred in by all the Judges except one, who had not been consulted from motives of delicacy, because he was Attorney General of the late Government when the Act of 1873 was passed. Owing to the long list of arrears in the Courts, a would-be plaintiff could not hope to have a case heard within 18 months,

and, if a question of law were involved, it would be two or three years before he could hope for a judgment. On this account many barristers were making incomes exceeding those of Judges by acting as arbitrators, and this, as well as being a costly process, was absolutely disgraceful, so far as it was due to the difficulty of obtaining redress through the ordinary tribunals of the country. He hoped the Government, therefore, would re-consider this part of the question. With regard to the constitution of the Court of Appeal, all he then deemed it necessary to say was, that if the new system was to work satisfactory, it was absolutely essential that the Court of Appeal should command the respect of the country and of the profession, but it could not be said that the proposed Court of Appeal would do so; and the Government ought to hesitate before it forced on the public a Court so generally denounced. More he did not wish to say. The last point to which he should refer was, perhaps, the most important of all. There ran through the Bill the dangerous sign of a disposition to place in the hands of the Lord Chancellor and the Judges an enormous increase of power which he, for one, was not disposed to give to either in the administration of the law. The last clause of the Bill was of such an astounding nature that it gave the Lord Chancellor power by an Order for the purposes of the Act to repeal any Act of Parliament he pleased, *Magna Charta* among the rest. It might be said that was not what was meant; but he had learned from experience, for in 1871 an Act was passed which was acted upon in a sense quite different from that in which it was carried; and he would not trust the Lord Chancellor and the Judges with powers so large that, in fact, they would render the Act of 1873 unnecessary. It was impossible to discuss the details of the Rules and Orders except in Committee, but one of them contained a remarkable innovation. Heretofore, from the time of Edward I. down to the Common Law Procedure Act of 1860, the Legislature had always shown great jealousy of the power given to the Lord Chancellor and the Judges to regulate procedure. Parliament had always directed these Rules and Orders to be placed on the Table of both Houses of Parliament, and not to come into operation for three months



afterwards. [The ATTORNEY GENERAL dissented.] The hon. and learned Gentleman shook his head; but he (Mr. Watkin Williams) asserted that previous to the Act of 1872 the practice had been to give power to the Legislature to annul these Rules and Orders. This Bill, on the other hand, enabled the Judges to make Rules and Orders of the most sweeping description, and provided that they were to come into operation the instant they were made. No doubt there was a provision that within 40 days after they were placed on the Table either House of Parliament might address the Crown against them, and in that case the Government might by an Order in Council annul them. Now, that was a complete innovation. These Rules and Orders would be made by the Judges and would come into operation, and, then, in the month of March or next Easter the House might interfere. But suppose the Judges abolished meanwhile trial by jury. The Lord Chancellor might order cases to be tried by a Judge instead of before a jury, and when the matter came to be discussed in Parliament all manner of proceedings would be taken under these Rules and Orders, and they would be told that the greatest inconvenience would be caused by the House repealing them. He trusted that the House would never part with this power. It might be said that the Judges would never do these things. Would they not? The first thing done by these Rules and Orders was to abolish the bill of exceptions which had been granted to suitors by Edward I., to prevent caprice and the exercise of what was called "discretion" on the part of the Judges. The bill of exceptions was one of the rights of the suitor. The Judges ought to administer the law, and ought not to have the "discretion" which would enable them to alter it. Another exceptional feature in the Rules and Orders was the power given to the Common Law Judges over costs. The power of giving costs would be in the discretion of the Judges, and it would totally alter the relations between the Judges and the Bar. It was right that in Equity cases the Judge should have the power of deciding as to the payment of costs, because he had the whole case before him. But imagine a case of libel or of interference with personal liberty which would come before a jury. If

the Judge took a view opposed to that of the jury, he might revenge himself—and it was necessary to speak out on this subject—by punishing the counsel, the suitor, and the jury because he differed with them in opinion. At present, if a Judge manifested caprice or lost his temper during a trial, the counsel bore it patiently, because they knew that the Judge was subject to the laws. If he was wrong in his ruling, they tendered a bill of exceptions; and if he overrode counsel, they had the jury to appeal to. The Rules and Orders would alter all that and produce changes such as no one at present realized. He trusted that the hon. and learned Attorney General would regard these vital matters as worthy of his attention; but he was so little desirous to throw impediments in the way of the Bill—although he had placed Amendments on the Paper in regard to the subjects he had mentioned—that he trusted it would pass through Committee in the course of the evening.

THE ATTORNEY GENERAL said, he believed the House was anxious to pass the present Bill this Session, and he should therefore make but a few observations. First of all, he would observe that all the Amendments which had been suggested were such as could be best discussed in Committee, although he by no means complained that attention had been called to these matters before the Speaker left the Chair, as it had enabled him to form some opinion as to the propositions which would be made when they got into Committee. He did not think that the time which had elapsed, since the Bill came down from the other House, had been lost. He had availed himself of the opportunity of consulting with Members of the legal profession on both sides of the House, and also with the Judges, and he had recently had the opportunity of conferring with a very large body of solicitors assembled in London from all parts of the country. The result was that several suggestions, which had been made to him and which went in the direction indicated by the hon. and learned Gentlemen who had addressed the House, appeared to him worthy of consideration, if not adoption. With regard to the question of the reduction of the number of the Judges, he must ask the House to bear in mind that the Act of 1873, which made this change, was not in-

introduced and passed by the present, but by the late Government. The present Government, however, desired to give that Act a fair interpretation and an honest support; but he must remind the House that several, if not all, the points to which attention had been directed that evening had been introduced by the Act of 1873, and had been then fully discussed, and if the views recently expressed were carried out, it would amount *pro tanto* to a practical repeal of the Act of 1873. For instance, the rules as to costs and bills of exceptions were expressly enacted by the Act of 1873. That Act also provided that the number of *puisne* Judges should be reduced from 15 to 12. Some hon. Members might recollect that, when the Bill was in Committee, he resisted that proposal, and he never entertained any other opinion but that it was not desirable to reduce the number of Judges; but, being honestly desirous to give fair effect to the Act of 1873, the present Bill was brought down from the House of Lords without any alteration in that respect. He found that the opinion of the Common Law Judges, of eminent members of the Common Law Bar, and of persons in all parts of the country who were interested in the question was that the number of the Common Law Judges ought not to be reduced, and that the clause in the Act of 1873 whereby their number would be reduced, when that Act came into operation, ought to be repealed. Only that day he had been favoured with a communication from the Lord Chief Baron, in which he stated that the number of *remanets* had rapidly increased during the last three years in the Courts of Common Law, and that the number of Judges in those Courts was not sufficient to perform the duties cast upon them. Some persons were of opinion that improvements in the administration of the law diminished legal business; but he believed the result of such improvements was, in the main, to increase legal business. Therefore, on the part of the Government, he had to state that, in their opinion, the clause in the Act of 1873 which referred to the number of the Common Law Judges should be repealed, and that the reduction therein provided should not be carried out. As this, however, was a matter which involved the payment of public money, it would be necessary to pass a Resolu-

tion in Committee; when, therefore, they came to Clause 3 he would propose that it should be postponed until such a Resolution had been adopted. As to the constitution of the Court of Appeal, he thought he should be able to show in Committee that the proposals in the Bill with regard to the number and the qualifications of the Judges of that Court were sufficient and satisfactory. He would postpone till the House went into Committee the observations which he had to make upon the question of costs and the power of the Judges to alter the orders of the Courts from time to time. He hoped the House would now go into Committee.

MR. NORWOOD said, the mercantile community was anxious that for the disposal of cases arising in Common Law Courts there should be continuous sittings in London and Middlesex; and therefore he thanked the hon. and learned Attorney General for the concession he had just made with reference to the number of the Common Law Judges. Under present circumstances it was impossible any reduction could be effected without perpetuating the grievance now existing from the large number of causes made "*remanets*," or ordered for reference contrary to the wishes and interests of suitors.

MR. GREGORY participated in the satisfaction expressed by the hon. Member opposite (Mr. Norwood) that there would be no reduction in the number of the Judges. The present staff of Judges was not more than sufficient for the work they had to perform, and any decrease in their numbers would be prejudicial to the administration of justice. But he asked for a reform with reference to sittings in *Banco*. Three or four Judges sat together, and many of the questions which came before them were of the most trivial nature—such, for instance, as the liability for tying-up a dog to a post at a railway station, or whether an attorney's clerk was rightly described as a gentleman in a bill of sale. It was evident that this was a waste of judicial power, particularly when it was seen that cases of the greatest importance, and involving large property and interests, were heard and decided in the Court of Chancery by a single Judge, and the anomaly between the two jurisdictions was very striking. He hoped that among the results of the measure would be a better

constitution of the Common Law Courts, a better distribution of the Judges, and an application of their faculties to cases that were more worthy of their attention than the paltry ones to which he had referred. He objected to any interference with the present constitution of the Judicial Committee of the Privy Council, which, since the appointment of the permanent Judges of that Court, had worked satisfactorily. It was only about two years ago that, in consequence of the arrears of business before the Privy Council, the Legislature had passed an Act for the better constitution of the tribunal, and they were now called upon to undo that which had worked so well. He knew of no tribunal more satisfactory in its working and in its decisions than the Judicial Committee of the Privy Council. In addition to this, there was something in its constitution which carried great weight with the suitors to it. Appeals to the Judicial Committee of the Privy Council were appeals not to an ordinary tribunal of the country, but to Her Majesty, and the judgments were in her name, and that fact produced a great impression in the minds of the people of India, and of the inhabitants of our Colonies. He therefore hoped that Court would be kept up in full power and jurisdiction.

SIR GEORGE BOWYER said, he had heard with satisfaction the announcement that the Government did not intend to insist on the proposed diminution of the number of the Judges. The way in which many cases were now submitted to arbitration was a perfect mockery, and he might mention that many cases were put down for trial by special juries merely for the purpose of delay. That was an abuse which had always existed, and would still continue to exist when the Act came into force. With regard to new trials, the Motion must go before the full Court. He had no hesitation in saying that before the new rules had been settled, and before all the points had been decided with respect to the new system of Judicature, millions of money would be spent by the suitors. All these matters could not be settled without a considerable expenditure of time, and if the Judges at present could not cope with the amount of business which came before them, they would be still more unable to do so when the new system came into operation. He hoped

the Government would take these matters into consideration; and, with regard to expense, even if one or two Judges above the number absolutely necessary were appointed, this would be a lesser evil, for justice was never administered well when the Judges were working at high pressure. With respect to the question of the Court of Appeal, it was a great mistake to suppose that a strong Court of Appeal must necessarily be a very numerous one. Supposing the Judges to be of the first class, a Court consisting of three or five would, in most instances, be quite sufficient. He should regret any of the Judges of the Privy Council being taken away to constitute the Court of Appeal, for anything calculated to alter the constitution of that Court would be very undesirable. He thought there ought to be two Courts of Appeal, to one of which should be referred the administration of the law of this country, and the other the administration of the law relating to the Colonies.

MR. MORGAN LLOYD was glad that the Government did not intend to reduce the number of the Judges. With regard to the Act of 1873, he did not maintain that it was a perfect piece of legislation, for while it had the power of doing a great deal of good, it might have done as much in a more simple way. In some things it went too far, and in others not far enough, and he hoped that the strong opinion which had been expressed would induce the hon. and learned Attorney General to alter the Act so far as regarded the provisions abolishing the right to tender a bill of exceptions and taking away from the suitor the Common Law right, which had for centuries existed, by which litigants had been awarded costs whenever they were successful. As to the Court of Appeal, it would be a weaker tribunal than the Court of Queen's Bench as at present constituted. Such a Court would not satisfy suitors, and, instead of resolving doubts, would tend to create litigation; and he hoped that the hon. and learned Gentleman would yield to what was evidently the feeling of the House on this point. There was one point of considerable importance, which involved a constitutional question. It was the proposal to give to the Queen in Council and to the Lord Chancellor the power at any time by a simple Order of repeal-



ing any clause in any Act of Parliament which was inconsistent with the Judicature Acts. That proposal would enable them to repeal any section of any Act now in the Statute Book. Such power was unprecedented, and ought not to be given to the Lord Chancellor—indeed, it ought not to be yielded up by this House to any authority whatever. There was nothing like this power in any Act at present in existence, and even if there were, such a precedent ought not to be followed. It was also a very slovenly mode of legislation, for it was the duty of the framers of the Bill to find out those provisions in former Acts which they wished to repeal and insert them in a Schedule. He did not agree with the hon. and learned Member for Frome (Mr. Lopes) that the Act of 1873 would do no good. The provisions for uniformity of procedure would work well, though it was a pity that the framers of the Bill did not pay greater attention to the system which had existed for a long period in Scotland, where Law and Equity, Admiralty and Divorce, were administered by the same Courts, the same Judges, and the same process. If that example had been followed here, there might have been a more complete fusion of Law and Equity. He suggested that delay and expense might be saved if official shorthand writers were appointed to take down the evidence in each Court, as was now done in Parliamentary Committees and at the Central Criminal Court, instead of requiring the Judges to take it down, by which much useless labour was imposed upon the Judges, and valuable time wasted. An official shorthand writer would assist the Judge during the trial, and be a check upon him in the event of an application being made for a new trial.

SIR JOHN KARSLAKE said, he was very much gratified at the announcement of the hon. and learned Attorney General that the number of Judges would be retained. He would not discuss the question whether there should be a greater number of Judges; but he was one of those who thought that it would be most inexpedient that suitors should not have tribunals provided in which their causes could be tried, but should be handed over to private referees. It had been truly said that at present we were not quite certain as to how Election Petitions should be tried.

*Mr. Morgan Lloyd*

If they were to be tried by the Judges, Judges should be named by the Crown for the purpose. But the proposal to reduce the number of Judges was connected with a proposal in the Act of 1873 for a material alteration of the Circuits. It was said—and he would admit there was some ground for the statement—that at one time there was too great an amount of judicial power, and that at another there was not enough to carry on the business of the country. However that might be, he could not help thinking that at the present moment and until it had been ascertained how the Act of 1873, as modified by the Bill now before the House, would work, it would be extremely inexpedient to cripple our judicial resources, and prevent the full powers of the measure from being carried out efficiently. It would be far better to wait until we should see how the Act would work, and if it should be found that 14 Judges could carry on the judicial business of the country, then would be the time to reduce the number. He fully believed that when we should have continuous sittings in Middlesex and London, many of the special-jury cases which now disfigured the list would disappear. At the same time, it was very important that there should be a sufficient amount of judicial strength to clear the list, and to secure to the suitors that their cases should be properly, speedily, and efficiently decided. But in the event of the Circuits being altered, and the Home Circuit done away with, he would reserve to himself the liberty of giving an opinion when we should have had some experience on the subject. He was one of those who by no means wished to see the Judicial Committee of the Privy Council weakened, if it could be avoided. But he could not agree with the hon. and learned Member for Taunton, having regard to all the circumstances of the case, that anyone of the Judges of the Judicial Committee would suffer any derogation in his position or character in being associated with those Judges from whom the Court of Appeal would be selected. With regard to the objection about giving the Judge entire discretion as to costs, his hon. and learned Friend the Member for Frome (Mr. Lopes) would do well to consider the altered state of things which would arise when every Court had power to

deal with all questions from both a legal and an equitable point of view. It was all very well that the costs should follow the event as long as a single issue only was raised; but when a cross claim might be raised the question would arise whether one party had not partially succeeded as well as the other. In that case there was a great deal in the rule of the Court of Equity that the Judge should decide by whom the costs should be paid. That was now the case in the Probate and Divorce Court and should be general. He hoped the Bill would now be allowed to go into Committee.

Question put, and *agreed to*.

Bill *considered* in Committee.

(In the Committee.)

Clause 1 (Short title and construction with 36 & 37 Vict. c. 66), *agreed to*.

Clause 2 (Commencement of Act).

MR. WATKIN WILLIAMS proposed an Amendment to the effect that the Act should come into operation on the 23rd of October, 1875, instead of the 1st of November, as proposed in the Bill.

THE ATTORNEY GENERAL said, it was extremely desirable that this Act should come into operation at the same time as that of 1873, the time fixed for the commencement of which was the 1st of November next. He would, however, consider the whole question before the Report; and, if it were found to be more convenient to adopt the date proposed by the hon. and learned Member, he would bring forward an Amendment for that purpose.

Amendment, by leave, *withdrawn*.

MR. HOPWOOD proposed, as an Amendment, in page 1, line 16, to omit "sections" and insert "section." The suggestion he ventured to make was this—that as the Act of 1873 had provided a Court of Appeal satisfactory to the profession, to suitors, and the colonies, that Court should be brought into existence as it was, the appeal to the House of Lords being preserved until next year. Instead of repealing, as this Bill proposed, the 20th, 21st, and 55th sections of the Supreme Court of Judicature Act, he proposed to repeal, or rather to suspend, only one of these—namely, the 20th. Why should they wait till next year, with a temporary Court, having a perfect Court made to

hand in the Act of 1873? He moved that the word "sections" should be altered to "section."

THE ATTORNEY GENERAL said, he could not assent to the proposal of the hon. and learned Gentleman.

Amendment, by leave, *withdrawn*.

MR. WATKIN WILLIAMS moved an Amendment with the object of removing some obscurity in the wording of the clause, and providing that an appeal might be brought to Her Majesty in Council from all judgments, decrees, or orders of the Court of Appeal, upon any appeal from any judgment, decree, or order of any Court or Judge whose jurisdiction was by the principal Act transferred either to the High Court of Justice or the Court of Appeal, and from which Court or Judge before the passing of that Act an appeal was allowed to Her Majesty in Council; and that in all other cases the appeal should be to the House of Lords. Its effect would be to make the clause more clear and exhaustive as to what appeals should go to the House of Lords and what to the Privy Council. He had also a second Amendment in reference to the same point. From the view he took of the clause it was a matter of indifference which of the two Amendments should be adopted.

THE ATTORNEY GENERAL said, he could not assent to the first Amendment, which would have the effect of creating two tribunals of Ultimate Appeal from the decisions of the Court of Intermediate Appeal. This would entirely defeat one of the chief objects of the Bill. He was, however, disposed to think that the second Amendment of the hon. and learned Member, which, as he understood it, was intended to give the right of appeal to the House of Lords in respect of all decisions of the Intermediate Tribunal, might be adopted, for, as the 2nd clause of the Bill was at present framed, it appeared to him (the Attorney General) to restrict the right of appeal to too great an extent.

SIR GEORGE BOWYER said, the clause furnished an instance of the abominable way in which Bills were drawn. He had read it with several hon. Members of the House, and all who had been consulted had expressed their inability to comprehend it. He would like to know how the House of

Lords could hear appeals from India and the colonies? The Privy Council was peculiarly constructed for that purpose, and yet, according to this Act, appeals could go from the Privy Council to the House of Lords.

THE ATTORNEY GENERAL said, the hon. Baronet had formed an entirely incorrect opinion as to the purport and effect of the Bill. It would give an appeal from the decisions of the Intermediate Court to the House of Lords in certain cases; but it contained no provision for carrying an appeal from the Privy Council to the House of Lords.

SIR JOHN KARSLAKE, observing that he should not pretend to criticize the language of the clause, inasmuch as he could not carry it in his head, said, the hon. and learned Attorney General ought to be very careful as to what he did in regard to this matter. The case of the Court of Admiralty had been adverted to. In that Court the cases were very often tried with the assistance of two Trinity Masters, and the appeal was to the Privy Council who were assisted by sailing masters. Surely there ought to be some provision made that the Court of Appeal and the Ultimate Court of Appeal should have the same assistance as the Judicial Committee of the Privy Council, as the questions were not so much questions of law as of nautical skill turning upon the facts.

MR. LOPES suggested a further difficulty. If they gave an appeal to the House of Lords in every case in which an appeal lay to the Intermediate Court, they would give an appeal to the House of Lords in interlocutory matters, which would be undesirable.

THE ATTORNEY GENERAL thanked his hon. and learned Friends for their suggestions, which showed him that he had been, perhaps, too hasty in intimating an assent to the second Amendment of the hon. and learned Member for the Denbigh Boroughs. It did not occur to him, as an Equity lawyer, to think of the interlocutory matters, which had been referred to by the hon. and learned Member for Frome, and as to which it might not be desirable to give a right of second appeal. As regarded the suggestion of the hon. and learned Member for Huntingdon, he did not anticipate the difficulty occurring which had been suggested, as he believed that the House of Lords could, by its own action,

secure the assistance of Trinity Masters, when necessary. The matter should, however, be inquired into, and, if necessary, dealt with. He must withdraw the qualified assent which he had given to the second Amendment.

MR. WATKIN WILLIAMS said, the hon. and learned Gentleman had practically assented to the substance of the first Amendment, the object of which was to preserve the present distinctions, and to give appeal to the House of Lords only in those matters which now came to the House of Lords. If the Bill remained as it was the matter would be involved in confusion. He would suggest that in this transition period appeals which had hitherto gone to the House of Lords and to the Judicial Committee respectively should still continue to go there. It was proposed to do away with the bill of exceptions, on which, as the Bill stood, there would be no appeal to the House of Lords; and they were hardly prepared to do this. He was willing to withdraw the Amendment with the intention of moving the second.

Amendment, by leave, *withdrawn*.

MR. WATKIN WILLIAMS moved the other Amendment, the effect of which was, by omitting a part, to make the clause provide, without any qualification, that there should be an appeal to the House of Lords from every decision of the new Court of Appeal.

MR. CHARLEY hoped the hon. and learned Attorney General would see his way to adopt some such Amendment as this.

SIR GEORGE BOWYER suggested that the clause should be postponed and that some carefully-considered Amendment should be proposed on the Report. He confessed he did not understand it as it stood, and he doubted if the hon. and learned Attorney General himself did.

THE ATTORNEY GENERAL acknowledged that if the clause remained as it was it would exclude the right of appeal in cases where it ought to exist; but he pointed out, on the other hand, that if amended in the manner proposed, it would extend the right of appeal to cases to which a right of appeal ought not to be extended. If the hon. and learned Member, however, would point out any class of cases, in respect of which there

*Sir George Bowyer*



ought to be such a right of appeal, he would add them to the clause.

MR. LOPES thought it would be a very objectionable thing to give an appeal to the House of Lords in regard to matters of practice.

MR. GREGORY thought the Amendment ought not to be accepted.

SIR JOHN KARSLAKE observed, that it ought to be clearly understood whether cases which at present went to the Judicial Committee as the final Court of Appeal were still to go there.

MR. STAVELEY HILL was of opinion that if appeals were to go to the House of Lords and the Judicial Committee respectively in the same classes of cases as at present, some such Amendment as that proposed by the hon. and learned Member for the Denbigh Boroughs was needed to meet the case.

THE ATTORNEY GENERAL suggested that the clause should be allowed to pass, and he would undertake to have the matter thoroughly considered before the Report was brought up.

SIR GEORGE BOWYER thought the appeal from the Court of Admiralty should remain as it was at present to the Judicial Committee of the Privy Council.

THE SOLICITOR GENERAL said, that the only difficulty seemed to have reference to the Court of Admiralty, and that the machinery which might be necessary to meet the case could be proposed on Report.

MR. SERJEANT SIMON asked whether there was to be a right of appeal in all cases to the House of Lords until the Government were in a position to deal with the whole question of Final Appeal?

MR. WATKIN WILLIAMS said, he should take the sense of the Committee upon his Amendment, because it was one which would have the effect of making the clause, which was somewhat obscure, perfectly clear.

MR. FORSYTH thought the proposition made by his hon. and learned Friend the Attorney General a very fair one, and he hoped the hon. and learned Gentleman opposite (Mr. Watkin Williams) would consent to it. His hon. and learned Friend said—"Let the clause stand as it is, and on bringing up the Report I shall take care to have it amended."

THE ATTORNEY GENERAL reminded the hon. and learned Gentleman

that by the Bill as it now stood there was an appeal in the first instance to a Court of Intermediate Jurisdiction, and afterwards to the House of Lords.

MR. WATKIN WILLIAMS said, that under the circumstances, and after the explanation given, he should withdraw his Amendment.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 3 (Explanation of 36 & 37 Vict. c. 66, s. 5, as to number of Judges) *postponed*.

Clause 4 (Constitution of Court of Appeal).

MR. WATKIN WILLIAMS moved, as an Amendment, in page 2, line 29, to leave out after "Chancery" to end of line 36, and insert—

"And such three other persons to be selected from the Vice Chancellors, Justices, or Barons of the Superior Courts of Law and Equity at Westminster, or of the corresponding divisions of the High Court of Justice, of not less than five years' standing as Judges, as Her Majesty may under the Royal Sign Manual appoint."

The plan proposed would, in the first place, weaken the efficiency of the Judicial Committee of the Privy Council by taking away two of the Judges to sit in the Intermediate Court; and, in the next place, it amounted to a distinct breach of faith and violation of the understanding on which those learned Judges were appointed to their present offices in 1871. They were appointed to a Final Appellate Court, subject to being available hereafter for a Supreme Appellate Jurisdiction. They were now to be transferred to a Court of Intermediate Appeal, which was not a Court of such high dignity as that from which they were to be removed. The third Judge of this Court, moreover, was to be appointed by patent, which looked as if it were intended to appoint some gentleman now at the Bar. Now, it was highly undesirable to appoint anyone straight from the Bar to sit in a High Court of Appeal. There had been frequent instances in which lawyers of great eminence at the Bar had disappointed public expectation when they came to sit on the Bench; and his Amendment, therefore, provided that the Government should, on their own responsibility, choose one of the existing Judges who had had five years' experience, and in whose judicial qualifications

the public would therefore have confidence.

MR. FORSYTH said, he would remind the Government that not a single lawyer in the House had expressed himself satisfied with the Court of Appeal provided by the Bill. He therefore trusted that his hon. and learned Friend the Attorney General would remain open to conviction, and would see whether some better tribunal could not be proposed. In the first place, as had been pointed out, the Judicial Committee of the Privy Council would be greatly weakened by withdrawing half their number; next, the Intermediate Court would hear appeals from all the Judges of Common Law and Equity. In overruling judgments from the Common Law Courts it ought to have a strong Common Law element; but as the Bill stood there might be five Equity Judges sitting to decide questions of purely common law. Some security ought to be taken that two out of the three "other persons" should be Common Law lawyers. There would then be two Lords Justices, one Member of the Judicial Committee who might or might not be an Equity lawyer, and two Judges taken from the Common Law Courts to form the Court of Intermediate Appeal. He himself had an Amendment on the Paper in reference to this subject—the effect of which would be to have two Common Law Judges, two Equity Judges, and a Privy Council Judge selected for the Court of Appeal—and if it was not adopted he should prefer the proposal of the hon. and learned Member for the Denbigh Boroughs to the clause as it stood, for the reason that it would provide a proper selection from the Common Law Judges in the composition of the Intermediate Court of Appeal.

MR. OSBORNE MORGAN said, he could not vote for the Amendment, as he thought it would be unwise to restrict the choice of Judges for the Intermediate Court to any particular branch either of the legal profession or of the judicial Bench. They should remember that the Lord Chancellors came, as a rule, direct from the Bar.

SIR HENRY JAMES hoped the decision of the Committee would be taken upon the simple question of whether two Members of the Judicial Committee of the Privy Council should or should not be chosen as members of the Interme-

diate Court. All the hon. and learned Members of the House, with the exception of the Attorney General and Solicitor General, were opposed to the adoption of such a course.

MR. GREGORY said, he would move in page 2, lines 29 and 30, to leave out—

"Such two of the salaried Judges of the Judicial Committee of Her Majesty's Privy Council appointed under the Judicial Committee Act, 1871, as Her Majesty may, under the Royal Sign Manual, appoint."

THE CHAIRMAN ruled that there could not be two Amendments before the Committee at the same time.

SIR HENRY HOLLAND said, it was very desirable, in the interests of our colonies, to keep up a strong Court of Appeal for colonial cases.

MR. WATKIN WILLIAMS said, he would withdraw his Amendment in favour of that of the hon. Member for East Sussex, which raised the real issue in a more clear and simple manner than did his own proposal.

Amendment, by leave, *withdrawn*.

MR. GREGORY then moved the omission of that part of the clause which provided that two salaried Judges of the Judicial Committee of the Privy Council should be removed to the Supreme Court of Appeal. The Judicial Committee had proved to be a tribunal highly satisfactory to the suitors and the Bar, and its judgments were much respected and looked up to. If that tribunal were weakened considerable arrears of business would probably accrue. Appeals would be hung up, and consequently their number would increase, because many appeals were made merely for purposes of delay. He hoped no consideration of economy would be allowed to stand in the way of constituting a really efficient Court of Appeal.

SIR EARDLEY WILMOT supported the Amendment, believing that it was undesirable to weaken the Judicial Committee of the Privy Council as proposed by the Bill.

MR. FARLEY LEITH thought it was almost universally admitted by the Committee that these two Judges should not be removed from the Privy Council. His experience of the Judicial Committee went back a considerable number of years, and it appeared to him that this clause, if carried,

would have the effect of bringing back the same unfortunate condition of the Privy Council which existed previously to the passing of the Judicial Committee Act of 1871. They would materially weaken the judicial power of the Privy Council by the removal of these two Members, and diminish the confidence which had been placed in it by the colonies and India; and they would also be guilty of a violation of good faith towards the Judges themselves, by removing them from a higher to a lower Court. He could testify to the fact that the Court was overwhelmed with arrears until the Act of 1871 was passed, by which a Court of four permanent Judges was appointed. During the four years that had elapsed arrears had been cleared off, and the business of the Court had been conducted to the satisfaction of the people of India, the people in the colonies, and the people of this country, and also to the satisfaction of the members of the profession who practised in the Court. He deprecated any change which would undermine their sincere feeling of confidence in the Court. The Privy Council was doing its work well now, and he asked the Committee whether it was worth while to destroy the constitution of the Privy Council in order to save the salaries of two Judges of the Court of Appeal?

THE ATTORNEY GENERAL said, he was bound to admit that the expression of opinion given by hon. Gentlemen who had spoken on this question had been very much in one direction. It had been suggested that there would be a breach of faith, as regarded the two Privy Council Judges, if they were removed to this Intermediate Court of Appeal. If the Government thought there was the slightest breach of faith in their proposal, certainly it would never have been made; but, according to his recollection of the debates on the Bill of 1871, it was distinctly understood, and was so stated in Parliament, that those learned Gentlemen would be available for any Court of Appeal that might be established. In 1871 there was an enormous arrear of the business of the Judicial Committee; in August of that year, there were no less than 58 cases set down for hearing, and 350 other appeals had arrived in this country, which had not then been set down for hearing. These represented

an arrear of over 400 appeals. It was felt necessary to make a temporary arrangement to meet this temporary difficulty, and the result, after four years, was that, on the 1st of the present month, there were eight cases only set down for hearing, and 80 others, which had arrived in this country, but were not ready for hearing; so that there was no accumulation of business at the Privy Council. Under these circumstances, if the House were in favour of the Privy Council Judges being appointed to the Court of Appeal there would be no difficulty on the score of there being an arrear of business before that Tribunal. It must be remembered, also, that the Appeal Court would probably receive additional assistance from the Chiefs of the Common Law Divisions, in consequence of the determination already come to not to reduce the number of Common Law Judges. At the same time, this was a question which ought to be solved in a manner to give general confidence, and there could be no doubt that an opinion had been expressed very decidedly by the legal Members on both sides of the House that it was not desirable, at the present time, to in part constitute the Court of Appeal by the removal to it of two Members of the Judicial Committee. It had appeared to him (the Attorney General) that they might have been placed in the Court of Appeal with advantage and economy. He was not one of those who would allow considerations of economy to prevail where they stood in the way of efficiency; but, believing that the Judges of the Judicial Committee would still be able to discharge the duties imposed upon them in an efficient manner, he thought it would have been desirable that the economical arrangement which had been proposed should have been adopted. Yet he did not think he ought to stand out against the view which had been almost universally expressed by the Committee that evening, and he was disposed therefore to accede to the proposal of the hon. Member for East Sussex (Mr. Gregory), and to omit the names of the two Privy Council Judges from the clause. Although any suggestion that the clause as it stood would have involved the breach of an honourable understanding was, he believed, entirely unfounded, it would be disadvantageous to the public service



that the least suspicion of anything of that kind should exist.

Amendment agreed to.

On the Motion of Mr. WATKIN WILLIAMS, Amendment made, in page 2, lines 32 and 33, by leaving out "such other person," and inserting "such three other persons."

SIR HENRY JAMES moved to add thereafter the words—

"Of whom two shall have been Justices or Barons of the Superior Courts of Law at Westminster, or of the corresponding Divisions of the High Court of Justice."

He did not mean that the restriction should be permanent. If it was agreed to, he would propose by a further Amendment to fix a limited period within which it should be applicable. In order to secure a strong Common Law Court the restriction appeared to him to be at the outset necessary.

THE ATTORNEY GENERAL opposed the Amendment. The qualification of the persons to be appointed as Judges of the Court of Appeal, when it was intended to be the Court of Final Appeal, had been fixed by the Act of 1873, and he thought it unreasonable to further limit the choice of the Crown. He took exception also to the reason urged in support of the Amendment, and to the two Lords Justices at the present time being treated merely as Equity barristers, one of them—Lord Justice Mellish—having been not only an admirable Equity Judge, but also a distinguished Common Law barrister.

MR. JACKSON also objected to restricting the choice of the Executive Government, and observed that recent experience had not been in favour of such a limitation. He would remind his hon. Friend below him (Sir Henry James) that last year, in discussing a similar proposal in reference to the Imperial Court of Appeal, he had said that it would be unconstitutional to place such a fetter on the Crown. No training for the Appellate Court could be so good as practice at the Bar of the Privy Council and the House of Lords, and the eminent and experienced men who commanded the business in those Tribunals would not accept *puisne* Judgeships, though they were willing to become members of the Court of Appeal. If his hon. Friend's restriction had been in operation, Lord Brougham, Lord Westbury,

*The Attorney General*

Lord Chelmsford, Lord St. Leonard's, the present Lord Chancellor, Lord Selborne, and the Lords Justices (Rolt, Selwyn, and Mellish) would have been excluded from the offices which they adorned.

MR. FORSYTH thought that the Amendment was a very reasonable one. It was very similar to one that he had himself placed on the Paper, which was to select from the *puisne* Justices and junior Barons, or either of them. He thought it would be an unwise thing to allow all the Judges to be appointed from the Bar.

SIR GEORGE BOWYER agreed with the view that had been expressed by the Attorney General, that the fewer restrictions that were placed upon the Crown in the appointment of Judges the better. He objected, on Constitutional grounds, to the system of promoting Judges, and he thought that it was immaterial whether the Judges of the Court of Appeal were taken from the Common Law or the Equity Bar so long as they were qualified to properly discharge their duties. One Constitutional point he wished to lay stress upon, and that was that when a Judge was appointed to an office he ought to remain in it, and ought not to be entitled to promotion.

MR. GRANTHAM reminded the Committee that the Amendment applied only to the Appellate Tribunal constituted under the Bill, but not to the Appellate Jurisdiction to be appointed hereafter. He was of opinion that the country would be more satisfied if the Judges of the Court of Appeal were selected from those whose qualifications for their offices had been tested by their having been for some years on the Bench in the lower Courts.

MR. OSBORNE MORGAN opposed the Amendment. He contended that if they tied up the hands of the Executive as the Amendment proposed to do, Parliament would in the long run actually assume the functions of the Government. The matter had been entrusted to the Government, and he had no doubt that the Government would do their duty by appointing competent men.

MR. WATKIN WILLIAMS, on the other hand, supported the proposition. There was no qualification for the Judges of the Court of Appeal provided by the Bill as it stood. The Queen could

appoint a Bishop, for instance, and as that would not be a desirable state of things, he should certainly support the Amendment.

MR. MORGAN LLOYD said, there was evidently a tendency to favour the Court of Chancery and give to it a preference over the Courts of Common Law, and, in fact, to substitute Equity for Common Law; but, in his opinion, there was often more real equity in the administration of the Common Law Courts than in the Equity Courts. He maintained that care should be taken to preserve the Common Law element in the Bill. Had the Amendment applied to the appointment of Judges in future, he should have voted against it; but, as it simply related to the appointment of the first Judges of the Court of Appeal, he should support it, as a necessary security against the predominance of the Chancery over the Common Law system in the establishment of the new practice.

MR. HERSCHELL held it to be of very great importance, considering what they proposed to take away in respect of appeals from the Common Law Courts, that there should be a satisfactory Court of Appeal established in its place. Care, therefore, should be taken that a preponderance in the constitution of the Court was not given to the Equity Judges. He should object to any such constitution of the Court.

MR. SERJEANT SIMON regretted that this discussion should degenerate into a conflict between the Common Law and the Equity Bar. He did not agree with those who thought Equity men did not make good Common Law Judges. He might mention an instance of an Equity barrister, who, although he had never practised in a Common Law Court, became, on his appointment to the Common Law Bench, a most distinguished Common Law Judge. He referred to Mr. Baron Rolfe, afterwards Lord Cranworth. He was one of the ablest *Nisi Prius* Judges that ever sat on the Bench. He (Mr. Serjeant Simon) thought, however, that the appointments ought not to be restricted to the Bench. There were quite as able men at the Bar as ever sat on the Bench. He could not agree with the hon. and learned Member for Taunton, because he thought they ought not to restrict the area of selec-

Mr. LOPES said, if the hon. and learned Member for Taunton pressed his Amendment to a division he should certainly vote with him, because he believed the Common Law element was not sufficiently strong in this Court of Appeal.

SIR ANDREW LUSK appealed to the Government to stand by their Bill, and not to give way so much as they were doing. They had given up one part of it after another, but they were really not so weak as they seemed to think they were. As a layman he could not very well understand what was being said by his hon. and learned Friends about him; all he knew was that they had gone on contradicting one another as fast as possible. What he wanted was that the Government would be true to their Bill as it had come down from the Lords. He and other laymen had confidence in the Lord Chancellor and the House of Lords in a Bill of this kind, while they did not feel quite the same confidence in Gentlemen in this House.

SIR HENRY JAMES quite agreed with the hon. Baronet that he did not understand the question. He explained to him, therefore, that what he (Sir Henry James) meant was that he wished to avoid too great a preponderance of Equity Judges in the Court of Appeal. The hon. Member for Coventry (Mr. Jackson) had reminded him that on a former occasion he had objected to fetter the discretion of the Crown in regard to these appointments; but that was when they were discussing the constitution of a Final and Supreme Court, and when they were asked to declare that for all future time one of the Judges should have belonged to the Scotch Courts and another to the Irish; but in the temporary Court which they were now establishing, and in which there seemed to be great danger of the Equity element overriding the Common Law, he did appeal to them to limit the appointments to the extent implied by his Amendment. They were going to transfer appeals hitherto heard by the Court of Exchequer Chamber, consisting of Common Law Judges, to a Supreme Court of Appeal, which would probably be composed mainly of Equity men. This would be a temporary Court, it was true; but while it lasted it would be settling the Common Law practice under



a new Act, and would thus bind the future Court of Appeal upon points of Common Law. It was most important, therefore, that during this period there should be a proper proportion of Common Law Judges upon the Court of Appeal, and that provision should be made against a preponderance of Equity men. His object was to protect the interests of Common Law suitors in the Court of Appeal. Knowing what the reserve forces of the Government were, and that he should be defeated on a division, he would not divide, but he trusted that the discussion would not be without avail in its influence on the Government.

*Amendment negatived.*

Clause, as amended, *agreed to.*

Clause 5 (Tenure of office of Judges, and oaths of office. Judges not to sit in the House of Commons).

SIR GEORGE BOWYER moved an Amendment, in page 3, line 17, after "Parliament," insert—

"And no Judge shall be transferred from one division of the High Court or to or from the Court of Appeal without his consent in writing."

He said the clause, as it stood, infringed the principle of the immovability of Judges and would render it possible for a Government to pack a Court or remove an obnoxious Judge.

SIR HENRY JAMES said, he did not know whether the Amendment was serious or not. He objected to it for two reasons—first, because it would fetter the power of the Crown; and next—and principally—because it was unnecessary. If a Judge said he would not be a Judge of the Appellate Court, he presumed there would be no power to compel him.

SIR GEORGE BOWYER said, the Act of 1873 gave the Crown power to transfer a Judge without his consent.

THE ATTORNEY GENERAL said, he could not accept the Amendment, and principally for the second reason given by the hon. and learned Gentleman opposite.

*Amendment negatived.*

SIR GEORGE BOWYER moved an Amendment, the effect of which would have been to continue the eligibility of the Master of the Rolls to sit in the House of Commons. He referred to the

speech of Lord Macaulay in 1853 and the arguments he used so successfully. They embraced these—that the Lord Chancellor was not disqualified for the Bench by being a party man, and that political matters did not come before the Master of the Rolls as they did before the Lord Chancellor and the other Judges.

SIR EARDLEY WILMOT hoped the Government would accept the Amendment.

THE ATTORNEY GENERAL said, that when the Act of 1873 was under discussion, it was not thought desirable that the Master of the Rolls should have a seat in the House of Commons.

*Amendment negatived.*

Clause *agreed to.*

Clause 6 (Precedence of Judges) *agreed to.*

Clause 7 (Jurisdiction of Lords Justices in respect of lunatics).

MR. OSBORNE MORGAN moved, as an Amendment, in page 4, line 9, at end, add—

"Provided also, That nothing herein contained shall affect the jurisdiction usually vested in the Lord Chancellor in relation to the persons and estates of idiots, lunatics, or persons of unsound mind."

THE ATTORNEY GENERAL said, the words were unnecessary.

*Amendment, by leave, withdrawn.*

Clause *agreed to.*

Clause 8 (Admiralty Judges and registrar), *agreed to.*

Clause 9 (London Court of Bankruptcy not to be transferred to the High Court of Justice).

MR. HERSCHELL moved, page 4, line 38, to leave out the words, "from time to time." Under the Act of 1873 Court of Bankruptcy was amalgamated with the High Court, but the business of the Court of Bankruptcy was to be performed by the Court of Exchequer. As the clause stood, the office of Chief Judge would be from time to time filled by such Judge of the Exchequer division as might be required by the Lord Chancellor to perform the duties of the office. The clause gave the Lord Chancellor the power from time to time to appoint this Judge or to depose him from his post. He considered that proposal was contrary to every principle

*Sir Henry James*



which had hitherto been thought desirable with regard to the Judges of the land. The Chief Judge in Bankruptcy should be a distinct appointment, the same as all the other Judges.

SIR GEORGE BOWYER agreed with the hon. and learned Member that this was a very objectionable power to give to the Lord Chancellor. It ran through the Act of 1873 and was a perceptible feature in this Bill, that enormous powers should be given to the Lord Chancellor.

MR. HOPWOOD said, the Chief Judge in Bankruptcy should be appointed direct by the Crown. All the Judges appointed prior to 1869 were to be saved from the indignity of being deposed by the Lord Chancellor.

MR. JACKSON called attention to the change that was proposed by the Bill from that of the Bill of 1873, and asked why Bankruptcy should be separated from the Court of Judicature?

MR. GREGORY ventured to hope that the Government would say they were prepared to abandon the clause and save discussion. The principles on which assets were to be administered had been assimilated in Chancery and Bankruptcy, and there was, in fact, no special law now to be administered requiring a separate Judge and staff of officials.

MR. OSBORNE MORGAN hoped the Government would adhere to the clause. The only way of working Bankruptcy properly was by giving separate jurisdiction to a Chief Judge. At present he was only able to sit one day in each week, and the duties had to be entrusted to registrars.

THE ATTORNEY GENERAL said, he had no objection to the omission of the words "from time to time."

*Amendment agreed to; words struck out accordingly.*

On the Motion of Mr. OSBORNE MORGAN, Amendment made in page 5, line 39, by leaving out after "judges," the words "of the Exchequer division."

On the Motion of Mr. HERSCHELL, Amendment made in page 6, line 1, by inserting the words "or with his consent of such one of the Judges appointed prior to the passing of the last-mentioned Act."

On Question, "That the Clause, as added, be agreed to,"

MR. GREGORY said, the clause had been improved; but his objections to its principle had not been removed, and he therefore moved its omission. He did not see any necessity for a separate jurisdiction for the Court of Bankruptcy as proposed by the Bill. Its retention was altogether foreign to the principle upon which the Committee was legislating, was unnecessary, and would be injurious in its effect.

MR. JACKSON supported the Amendment. There was no reason for confining the choice to the Exchequer Division.

MR. OSBORNE MORGAN thought it essential that the Court of Bankruptcy should have a separate jurisdiction. He would go further, and would propose that an extra Judge should be appointed as Chief Judge in Bankruptcy.

THE ATTORNEY GENERAL trusted that his hon. and learned Friend would not, after the discussion that had taken place, press his Amendment.

SIR HENRY JAMES agreed in thinking that if the clause were struck out at that time, the House would be placed in an objectionable position. At the same time, he felt that the question stood in an anomalous position, for every other department of law was provided with a permanent head Judge, while in Bankruptcy most important onerous duties were discharged by the registrars. The matter might be left at present as it stood under the Act of 1873.

*Question put, and agreed to.*

Clause 10 (Amendment of 36 & 37 Vict. c. 66, s. 25, as to rules of law upon certain points).

MR. JACKSON proposed the following Amendment in page 6, line 13:—

"Sub-section 1 of Clause 25 of the principal Act is hereby repealed, and instead thereof the following enactment shall take effect (that is to say),—In the administration by the Court of the assets of any person who may die after the commencement of this Act, and whose estate may prove to be insufficient for the payment in full of his debts and liabilities, and in the winding up of any Company under the Companies Acts, 1862 and 1867, where assets may prove to be insufficient for the payment of its debts and liabilities and the costs of winding up, the same rules shall prevail and be observed as to the respective rights of secured and unsecured creditors, and as to debts and liabilities proveable, and as to the valuation of annuities and future and contingent liabilities respectively as may be in force for the time being under the Law of Bankruptcy with respect to persons adjudged bankrupt; and all persons who in any such case

would be entitled to prove for and receive dividends out of the estate of any such deceased person, or out of the assets of any such Company, may come in under the decree or order for the administration of such estate, or under the winding up of such Company, and make such claims against the same as they may respectively be entitled to by virtue of this Act."

**Amendment agreed to.**

Clause, as amended, *agreed to.*

Clauses 11 to 15, inclusive, *agreed to.*

Clause 16 (Rules in Schedule in substitution for 36 & 37 Vict. c. 66, s. 69, and Schedule).

MR. WATKIN WILLIAMS proposed to qualify the provision giving operative force to the rules contained in the 1st Schedule for the regulation of the proceedings of the High Court of Justice and Court of Appeal, by inserting the words—

"So far as the same regulate the pleading, practice, and procedure only of the Courts, and do not otherwise than in so regulating pleading, practice, and procedure, take away or infringe any existing right founded upon any Act of Parliament or upon the Common Law, and so far as the same do not conflict with the provisions of this or the principal Act."

The hon. and learned Attorney General, on the second reading of the Bill, had asked the House to accept the rules in question *en bloc*, and not to discuss them. That was a reasonable proposal, as it would be impossible to discuss them in a Committee of the Whole House, because they were so technical and voluminous. But this Amendment seemed necessary, as a safeguard, in order to prevent the Lord Chancellor and the Judges exercising any power that would take away the existing rights of suitors.

**Amendment proposed,**

In page 8, line 29, after the word "shall," to insert the words "so far as the same regulate the pleading, practice, and procedure only of the Courts, and do not otherwise than in so regulating pleading, practice, and procedure, take away or infringe any existing right founded upon any Act of Parliament or upon the Common Law, and so far as the same do not conflict with the provisions of this or the principal Act."—(*Mr. Watkin Williams.*)

THE ATTORNEY GENERAL said, he could not assent to the introduction of the words. The rules were compounded partly of those which were contained in the Schedule of the Act of 1873, and partly of those which had been framed by the Judges appointed for that purpose under the provisions

*Mr. Jackson*

of the Act. There was, therefore, some guarantee that substantially they were all that could be desired. The Rules drawn up by the Judges had been before the public and open to the fullest discussion and criticism for a year, so that it could not be said there had not been ample time for consideration. While he thought it unnecessary for the Committee to discuss in detail the voluminous mass of rules contained in the Schedule, he did not mean to suggest that no Amendment whatever should be proposed; questions of principle might fairly be raised and discussed; and any hon. Member was, of course, at liberty to move whatever Amendment he thought fit.

MR. WADDY thought some revision of the rules was needed.

SIR HENRY JAMES expressed a hope that his hon. and learned Friend would not persist in the Amendment. The House would have an opportunity of discussing all these rules if it chose to avail itself of it.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 54; Noes 201: Majority 147.

MR. HERSCHELL moved the omission of the concluding part of the clause, giving the Judges the power of annulling or altering the new rules so made. The words he proposed to omit were these—

"But such Rules of Court and also all such other Rules of Court (if any) as may be made after the passing and before the commencement of this Act under the authority of the next section may be annulled or altered by the authority by which new Rules of Court may be made after the commencement of this Act."

Why he did so was because he could not help thinking that they should have some assurance from the hon. and learned Attorney General that all the labour of the Legislature should not be rendered nugatory by the enactment of new rules, overruling what they had done, by another authority without the knowledge or sanction of the House.

THE ATTORNEY GENERAL thought the Bill contained all the limitation that could be fairly required. The clause merely provided that, after the passing of the Act, there should be some authority entrusted with the power of passing

new rules and order of procedure, not in contravention of, but for the purpose of carrying out, the intentions of the Legislature; and while that duty was thrown upon the Judges or the Lord Chancellor, it was so strictly limited and defined that he thought there was no ground for the apprehension of his hon. and learned Friend. The rules which they made would have to be laid on the Table of both Houses of Parliament, which might reject them.

SIR HENRY JAMES asked why Parliament should take the trouble of passing new rules, and giving effect to them by legislative authority, if the Judges were to be allowed, without some restriction, to alter or annul those rules? Were the Judges to be empowered to make any rules they pleased for the better administration of justice in England? If the hon. and learned Attorney General would consent to an Amendment, that the Judges should not have power to make rules that would alter the law, that would possibly meet the case and prevent further opposition.

THE SOLICITOR GENERAL said, the hon. and learned Member had recently given an excellent reason why such an Amendment should not be inserted. It would raise the question in every case whether a rule had to do with procedure and practice. It was essential that the power to make rules should be vested in somebody or other; and if it was found after the rules had been investigated by Parliament that some of those inserted in the Schedule did not work, it would be absurd to let the object of the Court remain without being carried into effect, simply because the Judges had not power to alter the rules. It was not likely the Judges would alter a rule that had been carefully considered by Parliament. Of course, if they did, the alteration would be abrogated when the new rules were laid before Parliament.

MR. R. W. DUFF moved that the Chairman report Progress.

MR. DISRAELI said, the Committee had been paying great attention to the matter, and expressed a hope that the hon. Gentleman would not press his Motion, as he thought the Committee were desirous of proceeding. The hon. Member was interested in another Bill, which could not come on after half-past 12, as there was Notice of opposition; but, as far as he was concerned, no ob-

jection should be made to its being taken at a late hour.

Motion *negatived*.

MR. WATKIN WILLIAMS said, the object of the Amendment would be secured by an Amendment to the 17th clause, of which he had given Notice.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 17 (Provision as to making of rules of court before or after the commencement of the Act,—in substitution for 36 & 37 Vict. c. 66, ss. 68, 69, 74, and Schedule).

MR. BUTT moved to leave out all the words in the second sub-section from the word "appeal" down to the end. He considered it would be most dangerous to give to the Judges a power to make supplementary rules, which would enable them to totally alter the rules governing the law of evidence, and that would place a most unconstitutional power in their hands. They could, by such a power, pass rules that would enable them to try causes themselves without the assistance of a jury. He hoped the Committee would not consent to invest the Judges with any such power as that.

THE ATTORNEY GENERAL said, that at first sight the Amendment did not appear to be objectionable; but it was difficult to say what the effect of the proposed omission would be in connection with the other Amendments made or proposed in the Bill. Even if the words were omitted, it was doubtful whether the Judges under the other portions of the Bill would not have the power which those words proposed to take away from them.

MR. STAVELEY HILL hoped the Committee would not sanction a power which might at any time prove most dangerous. If there was any one thing which more than another that House was most opposed to, it was against any attempt to alter the rules governing the law of evidence. He therefore trusted the Committee would not place such a power in the hands of the Judges.

MR. LAW supported the Amendment. The words objected to by his hon. and learned Friend the Member for Limerick would clearly enable the Judges to rule whether a trial should be by a



Judge or jury. It was no answer to this to say the Judges might be trusted not so far to misuse their powers. If, as seemed to be admitted, they were not meant to have such a power, the proper course was to amend the clause as proposed.

MR. GOLDNEY could not concur with hon. and learned Members in the views they had expressed as to the powers proposed to be placed in the hands of the Judges. He regretted to see such a disposition as had been manifested to restrict the Judges in every way. With regard to the objection to the Judges making regulations as to the mode of procedure, it should be recollected that the Act of 1873 gave the Judges very large powers of remitting cases to referees.

MR. WADDY concurred in the opinion that the clause as it stood would give the Judges powers of making any alterations they pleased with respect to procedure. He would, therefore, suggest that sub-section 2 be struck out.

THE ATTORNEY GENERAL said, no Notice had been given of the Amendment, and hon. Members had had no opportunity of comparing it with the remainder of the Bill. If they had referred to Clause 20 of the Bill, they would have found they had no reason for their fears, as its provisions sufficiently protected the ordinary rules of evidence. He, however, would not object to the Amendment.

MR. FORTESCUE HARRISON moved that the Chairman should report Progress. ["Oh, oh!"] His reason for taking that course did not arise from opposition to the Bill; but Scottish Members were interested in the next Bill, which was a Government measure. It was now 20 minutes past 12, and no opposed measure could be brought on after half-past. They had sat six hours over the present Bill, very patiently waiting their turn, and he hoped the right hon. Gentleman would not object now to report Progress.

MR. DISRAELI said, he was not disposed to oppose the Motion, especially as it was to forward a Government Bill.

MR. BUTT protested against the course taken by the Scotch Members. It was most unreasonable to interpose just as an Amendment which had been fully debated had been agreed to by

*Mr. Law*

the Government, and was about to be put.

*Motion negatived.*

*Amendment agreed to.*

THE ATTORNEY GENERAL moved "That the Chairman report Progress and ask leave to sit again."

*Motion agreed to.*

*House resumed.*

Committee report Progress; to sit again upon *Monday next*.

# MERCHANT SHIPPING ACTS AMENDMENT (*re-committed*) BILL.

POSTPONEMENT OF ORDER.

MR. GOURLEY asked what was the intention of the Government with respect to this Bill—whether they intended to withdraw it in whole, or in part?

MR. GOSCHEN said, there was a strong desire on the part of the shipping interest that the Bill should pass this Session.

SIR CHARLES ADDERLEY said, that Monday would be named for resuming the Committee on the Bill, with every hope of being able to proceed with it on that day.

SIR HENRY JAMES asked whether it would be placed before the Judicature Bill for that day?

THE CHANCELLOR OF THE EXCHEQUER said, it would take precedence of the Judicature Bill.

*Order postponed.*

# MILITIA LAWS CONSOLIDATION AND AMENDMENT (*re-committed*) BILL.

(*Mr. Secretary Hardy, The Judge Advocate, Mr. Stanley.*)

[BILL 202.] COMMITTEE.

*Bill considered in Committee.*

(*In the Committee.*)

MR. CAMPBELL - BANNERMAN did not object to the measure; but he did object to its being proceeded with at that time of night (10 minutes to 1 o'clock), and moved that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—(*Mr. Campbell-Bannerman.*)

MR. GATHORNE HARDY said, that he had stated a week ago that the Bill would be proceeded with that evening. No opposition had been taken to it on the second reading or on going into Committee, and no Notice had been given of an important Amendment. The hon. Gentleman had been himself a Member of a Government, and he had seen him go on with a Bill at a later hour than a quarter to 1 o'clock. He really felt bound to proceed with the Bill.

Question put.

The Committee *divided*:—Ayes 71; Noes 125: Majority 54.

MR. STACPOOLE moved that the Chairman do leave the Chair.

MR. GATHORNE HARDY said, that, as such a determined opposition was offered, he would not press the matter further at that time; but he protested against that interruption to the progress of a Bill of such a nature, which had been brought before the House soon after 12 o'clock. If a Bill of that character, which was merely a Consolidation Bill, was not to be taken then, there was no chance of passing any but the larger Bills of the Government.

THE MARQUESS OF HARTINGTON said, the Government would facilitate the progress of their Business if they would put the Bills they meant to proceed with earlier in the list.

Motion *negatived*.

Committee report Progress; to sit again upon *Thursday*.

#### PUBLIC WORKS [CONSOLIDATED FUND].

*Considered in Committee.*

(In the Committee.)

*Resolved*, That it is expedient to authorise further Advances out of the Consolidated Fund, not exceeding in the whole the sum of £3,000,000, to enable the Public Works Loan Commissioners to make Advances for the promotion of Public Works.

Resolution to be reported *To-morrow*, at Two of the clock.

#### METROPOLITAN BOARD OF WORKS ACTS AMENDMENT BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill for further amending the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes, *ordered to be brought in* by Mr. WILLIAM HENRY SMITH and Mr. CHANCELLOR of the EXCHEQUER.

Bill *presented*, and read the first time. [Bill 237.]

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#### INDUSTRIAL AND PROVIDENT SOCIETIES ACTS AMENDMENT BILL.

On Motion of Mr. STAVELEY HILL, Bill to consolidate and amend the Industrial and Provident Societies Acts, *ordered to be brought in* by Mr. STAVELEY HILL, Mr. COWPER-TEMPLE, and Mr. RODWELL.

Bill *presented*, and read the first time. [Bill 238.]

House adjourned at half after  
One o'clock.

#### HOUSE OF LORDS,

*Tuesday, 6th July, 1875.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Bridges (Ireland)\* (198); Police Constables (Scotland)\* (199).

Committee—Public Health (136-200).

Committee—Report—Glebe Lands, Corporate Bodies (Ireland)\* (181).

Report—Ecclesiastical Fees Redistribution\* (187-201); Elementary Education Provisional Order Confirmation (London)\* (104); Local Government Board's Provisional Orders Confirmation (Abingdon, &c.)\* (147).

Third Reading—Salmon Fishery Act Provisional Order (Taw and Torridge)\* (156); Canada Copyright\* (179), and *passed*.

#### NORWICH ELECTION.

Her Majesty's Answer to the Address of June 18 *reported*, as follows:—

"I have received the Joint Address of the two Houses of Parliament in reference to the Report made by the Judge selected to try a Petition in respect of the Election and Return for the City of Norwich.

"And I have given directions accordingly for the appointment of the gentlemen named in the Address to be Commissioners for the purpose of making the inquiry prayed for."

#### PUBLIC HEALTH BILL.—(No. 136.)

(The Lord President.)

#### COMMITTEE.

Order of the Day for the House to be put into a Committee, read.

THE EARL OF CAMPERDOWN said, that in pursuance of the Notice he had given, he rose to call attention to the Water Supply of the Metropolis. It might seem anomalous that he should, on the Motion for going into Committee on the Public Health Bill, call attention to this particular subject, seeing that the



Bill did not apply to the metropolis; but what he sought to direct their Lordships' attention to was the general principle on which Water Companies were allowed to charge for their water supply according to the annual valuation of property. Thus he thought that the ratepayers of the metropolis would have to pay an enormous amount of money in consequence of the action of the Metropolitan Water Companies in connection with the working of the statute under which the metropolis was re-valued from time to time. On each re-valuation, both the gross and the rateable value of property in this capital was largely increased. That, he ventured to think, would be found to be a result of the recent re-valuation. The Water Companies made their charges on the "rateable value" of the premises; so that, with the increase of the value of property in the metropolis, those Companies could bring large additional sums into their coffers without extending their works or improving either the quantity or quality of the water. They could do this until their dividends reached 10 per cent. Since the Metropolis Valuation Act of 1871 came in force those Water Companies had raised their capital from £9,975,000 to £11,071,000, and they had further power to raise £792,000. Their plan for raising money was by the issue of additional shares, instead of by loans, which they could obtain at a moderate rate of interest. Their shares were readily taken up, because persons knew that when the time came—as come it would—when a central authority would have to purchase up the rights of those Companies, the purchase would have to be made at a very high rate on a very much increased revenue. It might be difficult to insert in this Bill a clause to protect the ratepayers against the Water Companies, but he suggested that the Government might well consider whether the operation of any new valuation of the metropolis ought not to be suspended for a year or two, in order that Parliament might have an opportunity of considering what ought to be done in respect of those Companies.

THE DUKE OF RICHMOND hoped he would be excused if he declined to follow the noble Earl into a discussion of the Metropolitan Water Supply, seeing that the Bill did not, as the noble Earl had stated, apply to the metropolis. The

*The Earl of Camperdown*

noble Earl was entirely out of Order, inasmuch as by a clause in the Bill the metropolis was expressly excluded from the operation of the measure, and consequently any reply he could make to the noble Earl's remarks would be entirely out of place.

House in Committee.

Clauses 1 to 109, inclusive, *agreed to*, with Amendments.

Clause 110 (Restriction on establishment of offensive trade in urban districts. P. H. s. 64).

Amendment *moved* to insert after ("Tripe boiler, or")—

("Manufacturer, smelting or burning ore or minerals giving off sulphuric acid, sulphurous hydrogen, or ammoniacal gases, or.")—(*The Duke of Northumberland*.)

THE DUKE OF RICHMOND said, he was unable to accept the Amendment as the matter was dealt with by another clause, and hoped that the noble Duke would not press it.

On Question? Their Lordships *divided*:—Contents 33; Not-Contents 41: Majority 21.

*Resolved in the Negative.*

Clause *agreed to*.

Clause 111 *agreed to*.

Clause 112 (Duty of urban authority to complain to justice of nuisances arising from offensive trade).

THE DUKE OF NORTHUMBERLAND moved, in page 39, lines 31, 34, 35, for ("urban authority") read ("local authority").

THE DUKE OF RICHMOND opposed the Amendment on the ground that all local authorities would not be fit persons to have such very large powers; but the local authorities would be able to report nuisances to the Local Government Board, and then they would be dealt with.

Amendment *negatived*.

Clause *agreed to*.

Clauses 113 to 123, inclusive, *agreed to*, with Amendments.

Clause 124 (Penalty on exposure of infected persons and things. San. 1866, ss. 25, 38).

THE DUKE OF SOMERSET moved, to insert—

"Any person who suffering from a contagious disorder wilfully communicates such disorder, and any person who while suffering, &c., &c."



THE DUKE OF RICHMOND said, he could not accept the proposal. The word "contagious" had been studiously left out of the Bill, and he hoped that the noble Duke would not cause it to be inserted.

LORD HAMPTON said, that the subject was one of extreme importance, as it touched the health of the people to a large extent.

On Question? *Resolved in the Negative.*  
*Clause agreed to.*

Clause 125 to 167, inclusive, *agreed to.*

THE EARL OF MORLEY moved, after Clause 167, to insert the following clause:—

PUBLIC HALL, &c.

(Urban authority may provide place for public meetings, &c.)

"Where an urban authority are a local board or improvement commissioners they may, with the consent of the owners and ratepayers of their district expressed in manner provided by Schedule III. to this Act, provide and maintain for the purpose of holding public meetings and other like purposes, a suitable building or room, and may let the same to any person as and when they think fit, and may from time to time make regulations for the use and management of the same."

THE DUKE OF RICHMOND said, the proposed clause had been rejected by the House of Commons on the ground that it would interfere with local taxation, and he did not think it would be seemly under these circumstances to re-insert it in the Bill.

On Question? *Resolved in the Negative.*  
*Clause agreed to.*

Remaining clauses *agreed to.*

Amendments *moved and negatived*;  
 Amendments made, the Report thereof to be received on *Thursday* the 15th *instant*; and Bill to be *printed*, as amended. (No. 201.)

House adjourned at half past Seven  
 o'clock, to Thursday next,  
 Eleven o'clock.

## HOUSE OF COMMONS,

*Tuesday, 6th July, 1875.*

MINUTES.]—SUPPLY—considered in Committee  
 —CIVIL SERVICE ESTIMATES—CLASSES II.  
 AND III.

PUBLIC BILLS—*Resolution* [July 5] *reported—Ordered—First Reading*—Public Works [Consolidated Fund] \* [243].

*First Reading*—Elementary Education Provisional Order Confirmation (London) (No. 2) \* [239]; Local Government Board's Poor Law Provisional Orders Confirmation (Oxford, &c.) \* [240]; Local Government Board's Provisional Orders Confirmation (Abingdon, Barnsley, &c.) \* [241]; Registration of Trade Marks \* [242].

*Second Reading*—Entail Amendment (Scotland) \* [212].

*Committee—Report*—Artizans Dwellings (Scotland) \* [229].

The House met at Two of the clock.

## ARMY—THE CAVAN MILITIA.

### QUESTION.

MR. BIGGAR asked the Secretary of State for War, Whether it is true that on or about 23rd June a number of officers of Cavan Militia attended in uniform at a concert held in the County Court House, Cavan, for the purpose of raising funds to build an Orange Hall; whether the following Rule:—

"By the Queen's Regulations officers and soldiers are forbidden to institute or take part in any meetings, demonstrations, or processions for party or political purposes, in barracks, camp, quarters, or elsewhere,"

applies to Militia as it does to officers of the Line; and, if it be true that the Cavan Militia officers attended under the above circumstances, and if the rule laid down as to soldiers and officers of the Army applies to men and officers of the Militia, whether he proposes to take any, and if so, what steps in reference to the matter?

CAPTAIN STANLEY, in reply, said, that it was true that on the 23rd June a number of the officers of the Cavan Militia attended a concert in uniform; but the officer commanding the Militia denied that there was anything of a party or political character in the meeting held on that occasion. So far as he (Captain Stanley) could understand the concert was not held in order to raise funds to build an Orange Hall. It was true that by the Queen's Regulations officers and soldiers were forbidden to engage or take part in any meeting or procession for party or political purposes; and this rule during the time that the Militia were out for training applied to them as well as to soldiers of the Line. The officers of the Cavan Militia attended in their uniform under a regulation of the service which directed that officers should wear uniform when attending on public occasions.

MR. ARCHDALL asked permission to read a letter from Colonel Saunderson, the colonel of the Cavan Militia. He said—

"My dear Archdall,—Mr. Biggar has given Notice of a Question on Tuesday next as to the attendance of the officers of the Cavan Militia in uniform at a concert given in Cavan on the 23rd ultimo in aid of the building fund of an Orange Hall. The officers of the regiment will feel extremely grateful to you, as the Member for the next county, if you will say that the concert was not in aid of the funds of an Orange Hall, or for any party purpose whatever. The building in the aid of which it was held is to be devoted to the various clerical meetings and society meetings of the diocese, and the Question is, of course, a political attack upon the Saundersons, of whom there are three in the regiment."

#### RAILWAYS—ACCIDENT AT BATH-AMPTON JUNCTION.—QUESTION.

MR. HAYTER asked the President of the Board of Trade, Whether his attention has been drawn to the verdict of the coroner's jury, at the inquest held upon the body of a commercial traveller killed in the late fatal Railway accident at Bathampton Junction; whether he is aware that the jury, in their verdict, declare themselves unanimously of opinion, that the Board of Trade has seriously neglected its duty to the public by permitting the Great Western Railway Company to carry passengers for 12 months since the alteration of gauge over these facing points without any official inspection, and without enforcing the conditions deemed necessary for safety by Colonel Yolland; and, whether he will lay Colonel Yolland's reply, at the conclusion of his inquiry, upon the Table of the House?

SIR CHARLES ADDERLEY: Sir, the verdict to which the Question refers must have been founded on a total misapprehension of the law and of the facts of the case. The Board of Trade have no power to make an inspection of new works with a view of deciding on their opening or the postponement of their use for passenger traffic until the Railway Company have given formal notice of their intention to open them. In the present case the Great Western Railway Company have never given the required notice, and the Board of Trade have therefore never had the power to order an inspection with a view to requiring any alteration or amendment in the works or permanent way. The Board

of Trade are in communication with the Company on the subject of this Question and the Correspondence, together with Colonel Yolland's Report of his inquiry into the circumstances of the accident will be laid on the Table immediately.

#### ELEMENTARY SCHOOL TEACHERS—PENSIONS.—QUESTION.

MR. FIELDEN asked the Vice President of the Committee of Council on Education, If the pensions of £6,500 referred to in the Minute of the 26th June last are to be restricted to Teachers appointed before 9th May 1862, or if it is intended that this is to be the introduction of a system by which all Teachers in Elementary Schools shall in future be entitled to pensions or superannuation allowances?

VISCOUNT SANDON: Sir, as my hon. Friend supposes, the proposed pensions are limited to those who became teachers before May 9, 1862. For many years the teachers have complained of the withdrawal, by the Revised Code of 1862, of the offers under which, they assert, they were induced to enter the profession, and a deep sense of wrong has long existed. Though, on careful examination of the matter, we agreed with the Report of the Committee of this House, which, in fact, decided that the teachers have no vested right to a pension, still we came to the conclusion that those who became teachers before that date had a moral claim upon the Government under the former Minutes to expect that their applications for a pension would under certain limitations be considered by the Department on the grounds of incapacity, from age or infirmity, to continue teaching with advantage to the country, together with a deficiency of other resources. We felt that, though their claims might not be strictly legal, it was the duty of the Government, acting on behalf of the country, to deal with the teachers in the same spirit of scrupulous honour and adherence to honourable engagements which it expects them to show in their schools and to impress upon their scholars; and upon these grounds alone we decided to set apart, to meet this special case, the sum of £6,500 per annum, the sum proposed in 1851 by the late Lord Lansdowne—the same Lord President that passed the original Pension Minute of 1846. The

general question of pensions is in no way touched hereby; and I desire, on behalf of Her Majesty's Government, to state definitely that by this action we must be understood to express no opinion whatever in favour of a general system of Government pensions to teachers. Perhaps I may be allowed to take this opportunity of stating that the Lord President and I, for reasons which the House will appreciate, have decided to receive no private applications whatever for these pensions, and that applications will only be received from managers and trustees of schools. We rely upon Parliament to support us in this course.

## SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

## LEGAL DEPARTMENTS COMMISSION.

## RESOLUTION.

LORD FREDERICK CAVENDISH rose to move—

"That, in the opinion of this House, it is desirable that, pending future legislation on the subject, no vacancy in a salaried office in any of the legal establishments should be filled up without the consent of the Treasury."

The noble Lord said, that in 1873, when economy was not so much at a discount as now, a Committee was appointed who inquired into the Civil Service expenditure. The Committee was presided over by the right hon. Gentleman the Member for Pontefract (Mr. Childers), and of it four of the Members of the present Government, including the Chancellor of the Exchequer and the Solicitor to the Treasury, formed part. The first point to which they directed attention was the expenditure for the Legal Departments, and in their Report they stated that the cost for the United Kingdom amounted to £1,750,000 per annum. Of this sum, the suitors paid £940,000, leaving the net cost of the Courts at about £800,000, so that they were a heavy national burden. It appeared from the Report of the Committee that the power of the Treasury over these Departments was often very limited, being limited, indeed, in some cases by statute; and the Committee were unanimously of opinion that a strong *prima facie* case had been made by the officers of the Treasury to the

effect that both with respect to costs and administrative regulations these establishments should undergo a searching investigation. They further recommended that, pending future legislation on the subject, no vacancy in a salaried office in any of the legal establishments should be filled up without the consent of the Treasury. A Royal Commission was afterwards appointed and presided over by Lord Lisgar, and of which Mr. Law was a member, and which, from its composition, was eminently entitled to weight. It appeared that, owing to recent legal reforms and the abolition of offices, we were now paying £220,000 a-year for pensions to the former holders of those offices, and the Commission found that a very small number of those persons—only the receivers of £13,000 out of the £220,000—could be called upon to serve their country. On the other hand, they found that a certain number even of the persons who were not liable to service were patriotically ready to do something for their money, and the Commissioners, therefore, recommended that it should be the bounden duty of those who filled up legal offices to offer those persons suitable service when vacancies occurred. The Commissioners also expressed their entire concurrence in the recommendation of the Committee—

"That reductions should be effected rather by an entire cessation of appointments to the clerical service, and by transfer from one department to another, than by superannuating (on abolition of office) the clerks who may be found redundant in particular offices."

In Ireland it was found that the expenses of the Court of Chancery were four times its receipts, and the state of things there was pronounced most unsatisfactory, and such as demanded searching inquiry. He hoped, therefore, that the Commission would resume its investigation into the Courts in Ireland and Scotland. In England, as might be expected in Courts which were fed by suitors and had grown up without certain control, a certain number of officials were found whose duties were almost nominal; there was also great diversity in the duties and salaries; and the hours of work were so limited that if these Departments were placed in the same position as other Civil Service establishments, a reduced number of officials might well perform the work.



The Registrar of Married Women's Acknowledgments was paid £700 a-year, though his office was described as a sinecure; but, apart from this, the Commissioners reported that as the duties by Act of Parliament devolved upon the Court of Common Pleas, they should be discharged by the officer of that Court who was responsible for its administrative business generally. Then as to the eight Clerks of Assize, who received about £5,500 a-year, the Commissioners found that, though in past times this office might have been necessary and important, the changes in the law and procedure, and other causes, rendered it undesirable to continue the office.

"On several circuits," they said, "the Clerk of Assize rarely attends in Court, and it has been given in evidence before us that his presence is not required. On five of the great circuits the duties are wholly or partially performed by his deputy."

He would now pass to the recommendations with respect to the future administration of these Departments. And here it was to be remarked that it was found that in some places where the work was hardest the staff was weakest. In the Court of Queen's Bench, for instance, 20 clerks did 20 per cent less business than 18 clerks in the Court of Exchequer. In like manner, while the duties of the Masters in the three Courts were very unequal, those in the Exchequer being heaviest and in the Queen's Bench lightest, the number of officials charged to the country was in all cases the same. In this state of things the Commission suggested a very natural remedy—that of fusion of offices, with other reforms, so that four Masters might be dispensed with. The office of Associates should be merged in that of Masters, and the Associates should be merely Assistant Masters. They went further, and proposed one central department, which should provide for the administration of civil and criminal business in London and on Circuit. In the Court of Chancery the Commissioners found the same state of things. The Chief Clerks, whose duties were very arduous, received the very moderate pay of £1,200 a-year; while in offices where the labour was not heavier and the ability required not greater the salaries varied between £2,000 and £1,800. In this case, also, the Commissioners made a similar recommendation for the construction of an

office common to the High Court of Justice and Court of Appeal. Baron Bramwell, who seemed more courageous than his Colleagues, recommended that the whole work of the Courts of Common Law and Chancery should be done in one department. Such a concentration of offices would produce a great economy and add to the efficiency of our administrative departments. The third point pointed out by the Commission was the length of the holidays, and the short time during which many of these offices were open. This complaint seemed to come more from solicitors and those practising in the Courts than anybody else. He was not certain whether this evil would be diminished by the Judicature Act; if not, it was a matter which required to be taken in hand. It appeared that whereas in the Civil Service generally there were 310 working days of six hours each, in the Legal Departments few men worked more than 180 days of six hours. In other words, allowing for the holidays, which were different in the Civil Service establishments, the clerks in some of the Legal Departments only worked two-thirds of the time which the clerks in the Civil Service Departments generally worked. He would here call attention to the Resolution—

"That, pending future legislation on the subject, no vacancy in a salaried office in any of the legal establishments should be filled up without the consent of the Treasury."

A Committee of the House of Commons in 1873 recommended that a Bill should be introduced by Her Majesty's Government to effect that object. Their Report was made at the end of June, 1873. Many important points had to be considered in connection with the subject, and the Government then in office found it impossible to carry the recommendation into effect that Session; but they issued a Circular to the Judges and the holders of patronage in these various Departments, in which they stated that—

"Placing confidence in those who have to appoint to the various offices in question, they have thought it better to request that, in the event of a vacancy in any legal office of the character referred to, the right of appointment to which is vested in yourself by statute or custom, a fresh appointment to such office may be suspended and temporary provision may be made for the discharge of its duties, if such a course can be adopted without serious inconvenience to the public service."

Then the Circular adds—

"If, however, it is indispensable that a fresh appointment should be made, it should, if possible, be conferred in such terms as will leave it subject to the pleasure of Parliament."

Favourable answers were received from most of the Judges. He had mentioned various offices the abolition of which had been recommended by the Select Committee. Of these three had since become vacant, and they had all been filled up by the Judges. It was clear, therefore, that the Circular had not been attended to by the Judges, and unless the House wished the recommendations of their Committee and also of the Royal Commission to be disregarded, it was necessary to take some further step. He admitted that it was useless at this period of the Session for any private Member to attempt to do anything in the matter, and his only object in calling attention to the question was to strengthen the hands of the Government as far as possible in any course they might consider it desirable to adopt. He hoped the House would adopt his Resolution.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is desirable that, pending future legislation on the subject, no vacancy in a salaried office in any of the legal establishments should be filled up without the consent of the Treasury;"—(*Lord Frederick Cavendish*),

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

THE ATTORNEY GENERAL said, he accepted, with the most perfect good faith, the assurance of the noble Lord that he had brought forward this Resolution with the intention of strengthening the hands of the Government, and not for any factious purpose. No one could be more sensible of the importance of the Report of the Royal Commission on this subject, which was made last year than he was; and he felt that the House was under an obligation to the noble Lord for the manner in which he had introduced the subject to their notice. The recommendations contained in the Report had received the anxious consideration of the Government, with a view to their being carried into effect; much, however, must depend upon the

consolidation of legal offices and the rearrangement of the whole of our Judicial system, which would be consequent upon the coming into operation of the Judicature Act. Though, as he had assured the House, the matter had already received the earnest attention of the Government, the mode of dealing with it and the time of dealing with it required careful consideration. It was a subject that could not be disposed of by a Resolution of the House. It must be borne in mind that, when an Act of Parliament provided that certain appointments should or might be made, the theory of the Constitution was, that such appointments were necessary and ought to be filled up. A large portion of these appointments were offices created by Act of Parliament, and could only be abolished by Act of Parliament; and provision must be made for filling them up from time to time until the Act creating them had been repealed. At the same time, as far as appointments affecting the general administration of the government of the country were concerned, the recommendations of the Royal Commission ought not to be lost sight of; and, as a proof that they were not absent from the mind of the Government, he might mention that a valuable appointment in the Court of Chancery, that of one of the registrars, at a salary of 1,200 a-year, which had recently become vacant, had not been filled up. With reference to the three appointments mentioned by the noble Lord, it must be borne in mind that the patronage did not rest with the Government, but with the Judges and others on whom it had by Act of Parliament been conferred, and the Government had no power, beyond that of recommendation, to prevent their being filled up as they became vacant. If the Supreme Court of Judicature Act Amendment Bill passed this Session, a convenient opportunity would be afforded for the consideration of the whole matter, and it might become necessary to obtain the aid of Parliament to deal with it. But a Resolution of the House of Commons could not alter the law of the land. The only way in which effect could be given to the noble Lord's Resolution, in a regular and constitutional manner, would be the passing of an Act, either suspending future appointments or providing that they should not be filled up



without the consent of the Treasury, and, as soon as a general scheme of this nature had been framed and settled, no doubt an Act would be passed for giving effect to it. Under these circumstances, the noble Lord would probably feel that he had discharged a useful duty by bringing the matter under the consideration of the House, and would not think it necessary to press his Resolution.

MR. SHAW LEFEVRE admitted there was force in the statement of the Attorney General that these appointments were held under special Act of Parliament, and that no Resolution passed by the House of Commons could make any alteration in respect of them; but he must remind him that the Select Committee of 1873 had recommended that a Bill should be brought in by the Government either suspending appointments to such offices, or providing that they should not be filled up except with the consent of the Treasury. That was an alternative the Government should take now. He understood from the Attorney General that that step was to be taken at a later stage; but it was extremely important that vested interests should not be created pending that decision of the Government. At any rate, it was desirable that a measure should be introduced by the Government giving effect to the recommendation of the Select Committee to which he had referred.

MR. M'LAREN said, that having had the honour of being a Member of the Committee which inquired into this subject, and having paid a good deal of attention to the matter, he thought it right to say a few words to the effect that he entirely approved of the course taken by the noble Lord. The disclosures which were made before the Committee were of an exceedingly startling character, especially in regard to the amount of patronage in the hands of the Judges. They had evidence that the salaries paid to all the officers connected with the Probate Court amounted to about £42,000 a-year, and that all these offices were in the gift of the Judge. Then the number and amount of pensions were also very startling. There was not time for the Committee to inquire with regard to the Courts of Ireland and Scotland; but if that matter had been looked into, he believed it would be found that, as regarded pen-

sions, there were 23 judicial pensions for offices formerly held in Scotland. Now, he did not think anyone would deny that the amount of strictly legal business in Scotland must be greater than the strictly legal business in Ireland, because trade in Scotland was so much larger, and litigation arose mainly from trade transactions. He knew there were exceptional circumstances in Ireland, but supposing that double the number of Judges were required, that would only give 46 pensions for Ireland; but hon. Gentlemen would be surprised to learn that there were 171 judicial pensions in Ireland. In fact, judicial offices in that country seemed to have been created with a view to their being held only for a short time and pensions granted for retiring from them. In England, no doubt, the business was much larger in proportion than it was in Scotland, the population being  $6\frac{1}{2}$  times larger. But, supposing the judicial power of England ought to be 10 times larger than that of Scotland, that would be only 230 pensions, yet there were in England about 700 judicial pensions; in fact, the judicial pensions in England nearly equalled the amount required for the judicial system of Scotland. The public officers in Scotland appeared to pay more attention to the Report of a Committee and a Treasury Circular than was done in England; because in Edinburgh there was the office of sheriff substitute, which had remained in abeyance in consequence of the Circular of the Treasury and the Report of the Committee. This being so, he did not see why offices in England should continue to be filled up. It was said that the Government could not prevent the Judges filling up offices under the statutes; but the Treasury had the power to fix the salary, and if the duties of an office which was once worth £1,000 a-year had become trivial, the Treasury could easily make the salary £250 if the Judges insisted upon making appointments to the offices. Altogether the present state of matters loudly called for relief. He should be very glad to extend the inquiry to Ireland and Scotland; and as regarded Scotland, he was sure the House would find that for the last 30 years offices had been continually cut down, and several Courts had been abolished. The salaries of the Judges of the Supreme Court in Scotland were £3,000, and one of the altera-



tions which ought to be made was to raise these salaries to at least the amount paid to the Judges in Ireland (£3,800), who had far less work than their brethren in Scotland.

MR. MITCHELL HENRY, while deprecating comparison between Scotland and Ireland, said that if the Scotch Members would help the Irish Members to obtain justice for Ireland, the Irish Members would assist the Scotch Members to assert the claims of Scotland. For his own part, he thought the judicial expenditure in Ireland was far too large. Many appointments of a legal and judicial character were made there for no other purpose than jobbing the Government of Ireland. On the part of the majority of the Irish Members, he expressed a hope that endeavours would be made to cut down the overgrown judicial appointments in Ireland. In the *Life of Sir Robert Peel* his executors had preserved a letter setting forth that the best way of governing Ireland would be to extend judicial offices to members of the Roman Catholic Bar, and thus to keep them always looking to the Government for promotion; and this policy, which was acted upon at the time, seemed to have been adopted by successive Governments. There were many pensions which ought not to be granted, and many offices which ought to be suppressed. Any Government in reviewing these appointments in a spirit of equality towards the three Kingdoms would be supported by the Irish people and by the majority of the Irish Members. He would support the noble Lord if the Motion were pressed to a Division.

SIR GEORGE BOWYER said, he did not know what consultation the hon. Member for Galway had had with Irish Members; but he was much mistaken if he thought that in what he had said he had the concurrence of Irish Members. He entirely dissented from the hon. Member's view; he did not think that the judicial establishment of Ireland was at all overgrown in point of either numbers or salaries. The Judges had only £3,500 a-year, and those of England had £5,500, and yet the Irish Judges had to perform duties equal to those of the English Judges.

LORD FREDERICK CAVENDISH regretted that the Government were not prepared to deal with the question, but he was satisfied with the general tenour

of the debate, and, therefore, would not trouble the House to divide.

Amendment, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

#### SUPPLY—CIVIL SERVICE ESTIMATES.

##### CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS, IRELAND.

SUPPLY—*considered in Committee.*

(In the Committee.)

(1.) £20,961, to complete the sum for the Public Works Office, Ireland.

MR. BUTT said, he wished to call attention to the present state of the Public Works Commission in Ireland. When the Commission was first instituted it was intended that the business of the Department should be transacted by three Commissioners, and that the Chairman, with one Commissioner, should constitute a quorum; that they should meet regularly, and that a Minute should be recorded of their proceedings. In the year 1846 an Act was passed reciting that the three Commissioners were unable to discharge the duties, and appointing two other Commissioners. In 1869, on account of the Commissioners becoming the trustees of a large amount of property, they were constituted a corporation. He had not been able to find any statute passed since then reducing the strength of the Commission; but, nevertheless, the number of Commissioners had dwindled down to three—practically to two, for Sir Richard Griffith, who was the third Commissioner, was far advanced in age, and unable to attend to the duties of the office, so that the retention of his name as one of the Commissioners was an evasion of the Act of Parliament. Sir Richard had been, in fact, pensioned; but in order to comply with the letter of the law, if not with its spirit, his name was still retained on the Commission. Some extraordinary revelations were made during the trials arising out of the dispersion of the Phoenix Park meeting with regard to the manner in which the business of the Board was carried on. A notice was issued by the Commissioners prohibiting the meeting, and the question raised was whether the notice was sufficient to justify the dispersion of the

assembly. Mr. Hornsby, Secretary to the Board of Works, was examined on the trial, and stated that for several years there had not been a single formal meeting of the Board; that no minute book was kept; and that the practice was when a letter was received, for a Commissioner to write on the back the answer to be returned. This letter was entered in a book, and this letter-book was the only record of the business done by the Commissioners. The Chief Secretary for Ireland was examined, and stated that he was not responsible for the steps taken to disperse the meeting, which came within the duty of the inferior authorities. He merely gave directions that a notice should be issued prohibiting the meeting. It appeared that one of the Commissioners who was sent for to the Castle refused to act until he got a written order. He accordingly obtained a scrap of paper from the Castle and wrote upon it that 500 copies of the notice should be printed. This was an extraordinary mode of transacting business, and he submitted that the Commissioners ought collectively to meet and decide upon the business of the Board. It was a violation of the spirit and, he believed, of the letter of the Act appointing the Board that no minutes were kept of their proceedings. He wished to urge upon the Government that this Department ought to be presided over by a Minister with a seat in that House, and responsible to Parliament. Several of these Departments in Ireland were removed from the control of that House by these anomalous Boards, which were partly under the Lord Lieutenant and the Chief Secretary, and partly acting for themselves. He should like also to receive some assurance that these Commissioners were sufficiently numerous to discharge the duties which they were called upon to perform.

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET) said, it was quite true, as the hon. and learned Gentleman had observed, that in consequence of the inability of Sir Richard Griffith to attend to the business of the Department it had been for some time carried on by two Commissioners, and no representation had been made to the Government that it was not properly performed; but when that fact came to their knowledge they appointed Mr. Roberts, one

of the most distinguished engineers in Ireland, as an assisting Commissioner. As far as concerned the appointment of a Minister of Public Works who would be responsible to Parliament with reference to the administration of that Department, he could not now undertake to discuss that question. The Chief Secretary for Ireland or himself would always be ready to answer any question with respect to the administration of the public Departments in Ireland, if due Notice were given.

MR. MITCHELL HENRY said, the senior Commissioner, Sir Richard Griffith, who had performed great services to Ireland and to this country, had retired principally in consequence of extreme old age. He believed Sir Richard did not reside in Ireland. He would be the last person to object to Sir Richard's receiving, as a retiring allowance, his full salary; but he should not be continued as a Commissioner on the books of the Department, but another Commissioner should be appointed. As to the gentleman of great experience in drainage works to whom the Solicitor General for Ireland had referred, he had been placed in the architectural department of the office, which was a department in which his services were the least valuable.

*Vote agreed to.*

#### CLASS III.—LAW AND JUSTICE.

(2.) £39,996, to complete the sum for Law Charges, England.

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £135,072, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for Criminal Prosecutions at Assizes and Quarter Sessions in England, including Adjudications under the Criminal Justice Act and the Juvenile Offenders Act, for Sheriffs' Expenses, Salaries to Clerks of Assize and other Officers, and for Compensation to Clerks of the Peace."

MR. GORST moved the reduction of the Vote by the sum of £3,874, being the amount of the salaries and expenses of the Examiners of Criminal Law Accounts. His reason for asking the Committee to strike out this item was that the functions of these officers, which had before been mischievous, had now, in consequence of the Treas-

*Mr. Butt*

sury Minute, been rendered altogether useless. The Examiners of Criminal Law Accounts were officers who had been in existence for 20 years. After their first appointment there had been a great reduction in the cost of criminal prosecutions; but it was a great question whether that reduction had been of advantage to the country, or whether it was caused by the operations of these officers. The Treasury had adopted the logical fallacy *post hoc ergo propter hoc*, and upon that virtuous plea the Commissioners had been continued down to the present time. Whatever might have been the advantage of their first appointment, he had the authority of distinguished Members of the present Government that their action had been wholly mischievous. The present Home Secretary had expressed that opinion on more than one occasion. The Examiners had only discharged the function of re-taxing in an illegal manner the costs of prosecutions that had been previously taxed in a legal manner, and they had succeeded, by ignorance of the circumstances and by arbitrary rules in disallowing a certain amount of the expenses of criminal prosecutions. This state of things was put an end to in the present year by the Treasury Minute, and these Examiners had now no useful functions to fulfil. The Treasury Minute made an invidious distinction between the costs incurred at assizes and the costs incurred at quarter sessions. When the costs incurred at assizes had been taxed by the officers of assize they were to be paid in full, and were not re-examined by these gentlemen for the purpose of making disallowances. There was to be no audit of the costs of prosecutions at assizes, and what, therefore, was the use of keeping up this expensive staff? But with regard to the costs of prosecutions at the sessions they were to be thrown on the local authorities—although it had been admitted that that was not a proper charge to throw upon them—who were to have a subvention—not a repayment—in consideration of their having thrown upon them a burden which they ought not to bear. That, in his judgment, was a retrograde step, quite contrary to the prevailing opinion of the day, that the cost of administering justice was an Imperial affair, and should be defrayed from the Imperial Exchequer. And the rea-

son given for it was that the taxation of the officers of the Assize Courts could be trusted, while that of the clerks of the peace could not be trusted. The clerks of the peace, however, held as good a position as the clerks of assize. They held a freehold office; they were appointed by the Lord Lieutenant, who represented the Crown, and in Lancashire by the Crown itself, and could not be removed except for misconduct in their office. He would ask whether the Government really thought there was any purpose left for which the Examiners under the present law should be paid £4,000 a-year? He would ask whether the Government thought the system of subventions could last three years? It had been clearly pointed out that the system would produce the greatest confusion in the administration of justice. The magistrates would soon find out that in heavy cases this system of subventions would greatly increase the amount by which the ratepayers would be burdened; whereas if the commitments were made to the assizes, the whole of the expenses would come upon the Consolidated Fund. Did the right hon. Gentleman think that magistrates would go on committing prisoners to sessions, when by doing so they would throw a heavy burden on the local rates? The cases for trial at assizes would be multiplied, and the time of the Courts taken up until it would become necessary to increase largely the number of the Judges. He would also ask whether the average would be of the slightest use at the end of three years? The present average had been struck under circumstances of an irritating character. At the end of three years it would be rejected altogether, and the processes under which it had been arrived at would be repudiated. They would find that they had paid £12,000 for a number of accounts and figures and statements which all the local authorities in the country would repudiate. He therefore thought he had established a clear case of saving the country £4,000 a-year, and moved the reduction of the Vote by that amount.

Motion made, and Question proposed,

“That a sum, not exceeding £131,205, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on



the 31st day of March 1876, for Criminal Prosecutions at Assizes and Quarter Sessions in England, including Adjudications under the Criminal Justice Act and the Juvenile Offenders Acts, for Sheriffs' Expenses, Salaries to Clerks of Assize and other Officers, and for Compensation to Clerks of the Peace."—(*Mr. Gorst.*)

THE CHANCELLOR OF THE EXCHEQUER remarked that, although his hon. and learned Friend the Member for Chatham said he would not discuss the Treasury Minute of January last, yet he immediately began to discuss it, and to pour forth a string of opprobrious epithets against the Examiners of Criminal Law Accounts, the system of subventions, and everybody whom he could bring within the reach of his lash. Some time ago there was a discussion brought on by the hon. and learned Gentleman on the subject of this Minute, and he thought that the merits of the case were then debated, and that he explained the views of the Government with regard to it. His hon. and learned Friend asked whether he thought the system of subventions would continue for three years? Well, he did not think it was at all likely to continue so long, if the Government were met in the sort of spirit in which it appeared they were to be met. If there were a disposition on the part of Parliament to act liberally towards the local authorities and to make subventions on a liberal scale towards various items of local expenditure, it was but reasonable, and, indeed, it was essential to the maintenance of the system that Parliament should be prepared to maintain a proper system of check and audit of the grants so given. If it were said—"You must not look into expenditure, but you must give us what you tell us you want," he was sure that Parliament would soon get sick of subventions, and the system would probably come to an end within three years. The Examiners were appointed to see that the money granted by Parliament as a matter of grace and favour in order to relieve local funds was properly applied. His hon. and learned Friend, however, wished Parliament to give this money without any check or control whatever. [*Mr. Gorst: No.*] Then he did not know what his hon. and learned Friend intended. How were the Government to know what sum they were to pay? If by the certificate of the Taxing Masters, then how were the Government

to exercise any independent audit of their own? During the 10 years from 1837 to 1846, when half the costs were paid by the Treasury and half by the local authorities, the annual average was £214,624; during the next 10 years, when the whole costs were paid by the State, and before Examiners of Costs were appointed, the average rose to £252,740—an increase of £38,116 a-year; and when the Examiners began their work the average fell to £195,000. This fact showed that the Examiners exercised a considerable check in the interests of economy. On the other hand, their interference, as it was called, had, no doubt, been annoying and vexatious to the local authorities, and, with regard to assize expenses, it was unjust, because the clerk of assize, who assessed the sums to be paid, had no kind of privity with the local authorities, and if the Examiners disallowed some of the items which he allowed, the county treasurer was obliged to provide the difference. The Government proposed to put an end to this obvious injustice, and to say that the county should not suffer at all in the matter of expenses at assizes, the Government dealing with this question upon Imperial principles, and taking care that these costs were properly taxed. But, then, it was said—"You are making an invidious distinction between assizes and sessions; clerks of the peace are as independent of the county authorities as clerks of assize." This might be, yet there was no doubt that the position of clerks of the peace towards the local authorities differed materially from that of clerks of assize, and it did not follow as a matter of course that you were to put the administration of justice at sessions and assizes upon the same footing. Was Parliament to say that the whole administration of justice throughout the country should be treated as an Imperial affair, and so put an end to the system of the local administration of justice? He did not say that we might not come to this; but the subject was a large one, and ought not to be decided in Committee of Supply upon the question of the salaries of these two officers. The Secretary of State had informed the House that he was considering the tables of fees and other charges, and he had stated that the Government were considering the proper mode of dealing with the costs

incurred in the administration of justice. In one particular they thought the duties of the Imperial Government were not yet fully discharged. But the question was not yet ripe for discussion, and it would be wholly premature to attempt to decide it upon a Vote like this.

MR. GORST said, that he did not dispute that the costs should be taxed, and taxed most rigorously. What he objected to was that the local authorities were required to provide taxing officers, and then their taxation was rejected. He admitted that he held the principle that the administration of justice was an Imperial affair, and that it was the duty of the Imperial authorities, and not of the local authorities, to bear the costs of prosecutions and to provide proper officers for auditing the accounts. Let the Treasury send down their own officers. It was not a pleasant duty, and it was not one for which the clerks of the peace would exhibit any great tenacity of adherence; but taxation having been made by persons who were acquainted with local circumstances ought not to be reviewed in London by persons who were ignorant of those local circumstances.

MR. SHAW LEFEVRE said, he thought that, on the whole, the Examiners had performed very useful functions, but the Chancellor of the Exchequer had not informed the Committee what would be their duty in the future. It seemed that they would have no duties under the system which had been resolved on by the Treasury.

MR. PELL said, the remarks of his hon. and learned Friend had been objected to as severe; but they were justified by the facts, and in 1872 the right hon. Gentleman (Mr. Henley) said, without objection, that the disallowances by the Examiners amounted to robbery. He could not bring himself to think, with the Chancellor of the Exchequer, that the administration of justice was a local object, or that the sum paid by the Treasury could justly be termed a subvention. How could that be a subvention which fell short of what Parliament undertook to do more than 30 years ago? Sir Robert Peel then intimated that the whole of the charges in respect of criminal prosecutions should be borne by the Treasury. In consequence of the action taken thereupon something like extravagance followed; but that had been

corrected, and a considerable reduction in the charges for prosecutions had been the result. After that came the establishment of this office, in which much less than justice was done to the local authorities. Either the charges for criminal prosecutions were proper, or they were not. If they were not, and if the clerks of the peace in the counties did not, as taxing masters, understand their business, then it was the duty of the Government to take the matter in hand and put an end to a state of things which no action of the Court of Quarter Sessions or the ratepayers would be able to set to rights. An expectation had been raised by the Queen's Speech that this subject would be dealt with to some extent at least in connection with the appointment of a public prosecutor, but that expectation had not been realized. The present Prime Minister had stated in 1872 in remarkably terse and powerful terms all that was asked when he used these words—"What they required was fixed charges and prompt payment."—[3 *Hansard*, cxx. 72.] But they had never got the one nor the other. If his hon. and learned Friend should go to a division he would support him.

MR. BRISTOWE said, he had the pleasure of knowing a great many gentlemen who acted as clerks of the peace in various parts of the country, and certainly it appeared to him that they were persons who properly discharged their duties. But, in his opinion, the present system was not satisfactory, and required improvement. He hoped the Amendment would be pressed to a division.

MR. SCOURFIELD entered his protest against treating a question connected with justice as a purely financial matter. Those who had some experience considered that a failure of justice often occurred in consequence of the present unsatisfactory state of things. The cost of criminal prosecutions in counties and boroughs was estimated at £135,000. Was that such a vast sum for securing law and order, seeing that we spent such enormous amounts on other matters? The maintenance of law and order in the country was even of still greater importance than the promotion of Science and Art. Some people spoke as if there were only two parties in the country, but that was a mistake. There was a large party who were strictly neither Conservative nor Liberal, but perhaps



more powerful than either, and that was the party which did not like to be annoyed.

MR. DILLWYN said, he had great respect for clerks of the peace, but believed they were not the persons to check their own accounts, and that the supervision employed over them had produced very good effects. He would suggest, however, to the right hon. Gentleman the Chancellor of the Exchequer whether it was not possible to avoid causing the annoyance and irritation created by the rejection of accounts or portions of accounts.

THE CHANCELLOR OF THE EXCHEQUER said, they were making a change of system, and he was far from thinking that they could by one blow put it exactly on the footing on which they would like it permanently to stand. Altering the system entirely involved many considerations of a very serious kind. They had two different systems of administration of justice—one carried on by the Judges of the land, assisted by high-paid State functionaries, and paid by the State out of Imperial funds. Concurrently with that there was another system of administration of justice by the unpaid magistracy of the country, assisted by officers paid out of local funds, not in any way subject to Imperial authority. The question was how to harmonize the whole system. The objection to the present system was not so much the amount disallowed as the annoyance occasioned by correspondence between the clerks of the peace and other officers and the Treasury with the Criminal Law Examiners at their backs. He was bound to say, from all he had seen, a very large proportion of the disallowances arose from the non-insertion in the accounts sent up of items such as the number of miles travelled or witnesses for the Crown examined which might easily be supplied, but which were very often omitted. With reference to the immediate future, the Examiners would have important duties to discharge which it would be difficult to dispense with. They would go over the accounts of the prosecutions, which then could be paid in full to the county treasurer; but they would have to check and keep the charges within bounds as to what was allowed. It would be their duty also to check the accounts sent up by the clerks of assize. With regard

to the sessions cases he was anxious to work carefully and fairly the system of averages. That was proposed tentatively, and would require to be carefully watched with a view to the re-consideration of the whole question.

MR. GOSCHEN agreed with the general proposition as to the necessity for control where Imperial contributions or subsidies of any kind were given and anything was left in the matter to the local authorities. He was, therefore, disposed to support the Government in that view—that, so long as the administration of justice was local to a certain extent, and so long as the cost borne by the Imperial Exchequer was indispensable, there should be a proper audit at the instance of the Imperial Government; but he did not quite see how there was to be a proper check if the system of allowances was to be done away with.

MR. WHITWELL said, he thought much of the inconvenience now felt arose from the want of properly defined and known law charges.

SIR WALTER BARTELOT testified that there was great irritation in the country with respect to the proposal of the Chancellor of the Exchequer in this matter, on the ground that payments were to be made on the average of the last three years, during which considerable reductions were made, and arbitrarily made, without any means being afforded for redress. If, however, the Chancellor of the Exchequer would adopt some means to have the charges which would be allowed more generally known there would be far less difficulty than at present. He could not vote for the Amendment, because some supervision was necessary, although the mode at which it was arrived at was not satisfactory.

MR. J. G. TALBOT complained of the distinction drawn between Courts of Quarter Session and Courts of Assize, deeming the former entitled to consideration on account of their honorary character. He would remind his Friends on the Treasury Bench that in 1872 a Member of the Government (Sir Massey Lopes) described a saving of £13,000 as petty larceny, and said the Examiners were obliged to be vexatious, disagreeable, active, and fussy, to make the Government think they were of some use. He (Mr. Talbot) should like

*Mr. Scourfield*



to learn what improvement had been effected since that strong language was used?

**THE CHANCELLOR OF THE EXCHEQUER** said, that the distinction between the two Courts was obvious on the face of the Minute. He hoped that in the case of the Assize Courts, at all events, it would be found that the principle adopted was free from the charge of vexation and irritation, for it was meant to be liberal, and by the contributions made to local finance during the last two years the Government had shown willingness to do the best it could with the whole system of local administration. With respect to this question of assizes it was admitted in the Minute that the Government had not arrived at a complete solution of the difficulty in the way of a satisfactory relationship between the Treasury and the great judicial establishments of the country. That relationship was of a very delicate and difficult character; and though he hoped in the long run to be able to arrive at some proper arrangement by means of which they would be able to put a restraint upon the taxation of costs in the Assize Courts, he did not profess to have yet devised a plan by means of which that was to be done. It was obvious, however, that the Examiners would be of very great service. His own opinion was, that it would be most convenient if they were to have an officer of their own to go round with the officers of assize for the purpose of assisting occasionally in the taxing of the costs. That was a matter which required a great deal of consideration, and it could hardly be dealt with properly until they came to deal with the whole of the questions between the judicial establishments and the Treasury. He hoped that the Home Secretary would be able to meet one of the difficulties by the establishment of a proper system of fees.

**MR. GOSCHEN:** You do not surrender the principle of the allowance?

**THE CHANCELLOR OF THE EXCHEQUER:** No.

**MR. FLOYER** said, he did not understand whether the new arrangement was to be permanent, or a new average was to be struck for every year. If this was not explained, he should, another year, vote against the Motion.

**MR. W. H. SMITH** said, that the average taken now would be in force for three years, when a fresh one would be made.

**MR. GORST** said, the Rules of the House did not allow him to submit an alternative plan now, but he favoured the suggestion of the Home Secretary that officers of the Treasury should be sent to tax the costs on the spot.

Question put.

The Committee *divided*:—Ayes 39; Noes 266: Majority 227.

Original Question put, and *agreed to*.

(4.) Motion made, and Question proposed,

"That a sum, not exceeding £129,879, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for such of the Salaries and Expenses of the Court of Chancery in England as are not charged on the Consolidated Fund."

**LORD FREDERICK CAVENDISH** drew attention to the fact that the travelling expenses of the Masters in Lunacy were still charged at the old posting rate of 1s. 6d. per mile. He thought this altogether unreasonable at the present day, and he therefore moved to reduce the amount of the Vote by £500.

Motion made, and Question proposed,

"That a sum, not exceeding £129,379, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for such of the Salaries and Expenses of the Court of Chancery in England as are not charged on the Consolidated Fund."—(*Lord Frederick Cavendish*.)

**MR. W. H. SMITH** admitted that the noble Lord had pointed out what looked like an anomaly; but there was a distinct understanding that the Masters in Lunacy should receive travelling expenses at this rate. The Treasury had no power to reduce the amount, and Lord Hatherley, when Lord Chancellor, having inquired into the matter, had decided that no reduction could be made in the allowance. He was, therefore, obliged, very reluctantly, to oppose the reduction moved by the noble Lord.

**SIR WILLIAM HARCOURT** presumed that, although the Treasury could not reduce the Vote, the House of Commons could, and he hoped the hon.

Gentleman the Secretary to the Treasury (Mr. W. H. Smith), in his capacity as Member for Westminster, would assist them in refusing this amount.

Question put.

The Committee divided:—Ayes 120; Noes 177; Majority 57.

Original Question put, and *agreed to*.

(5.) £46,526, to complete the sum for the Common Law Courts.

LORD FREDERICK CAVENDISH asked under what modifications the new appointment of Queen's Remembrancer had been made, as the Commissioners had reported against the office being filled up? He understood that it was the practice for this officer to be also a Master of the Queen's Bench, his salary for this office being £1,500 a-year, whilst as Remembrancer he had £500 a-year more. There were also five clerks in the office, whilst if the office of Remembrancer were done away with three would be ample.

MR. W. H. SMITH said, the office had been filled up; but he could not say what modifications had been made with reference to the appointment. He would, however, make inquiries as to this point. The whole matter as to these offices would be considered under the Supreme Court of Judicature Act Amendment Bill.

MR. GOSCHEN said, probably the First Lord of the Treasury, or some other Member of the Government who was responsible for the appointment, would be able to state whether, when the office was filled up, the recommendations of the Legal Departments Commissioners were duly carried out.

MR. DISRAELI said, he filled up the office in deference to the recommendation of the Commissioners. It was thought it was for the public interest that it should be filled up. The appointment was given to a gentleman who was Master of the Queen's Bench, Frederick Pollock. His own impression was that there was no increase whatever.

MR. CHILDERS said, the recommendation of the Commissioners was that the office should be filled up.

MR. DISRAELI: There is no authoritative recommendation that it should be filled up.

MR. CHILDERS remarked that no such recommendation was within the knowledge of Parliament. He hoped it would be produced.

MR. DISRAELI undertook to do so. *Vote agreed to.*

(6.) £38,635, to complete the sum for the Court of Bankruptcy, London.

SIR ANDREW LUSK said, he believed that this money was not thrown away. What was the Court of Bankruptcy? In his opinion it was worse than useless. It was a monstrous thing, in London managed to be a Court with the great aid of a clever solicitor. It would be better to have it at all, and then it would not have the raids on society.

MR. GREVILLE said, pretty much the same. Hon. Barons get rid of the Court of Bankruptcy.

MR. LUSK said, he agreed with Sir Andrew Lusk. He would not have it at all, and then it would not have the raids on society.

(9.) £9,242, to complete the sum for the Admiralty Court Registry.

(10.) £4,048, to complete the sum for the Land Registry Office.

(11.) £10,574, to complete the sum for the Police Courts, London and Sheerness.

(12.) £240,395, to complete the sum for the Metropolitan Police.

MR. GOSCHEN inquired what the intention of Her Majesty's Government was with respect to the subvention in aid of local taxation proposed last year in respect of police expenses, and as to which a Continuance Bill for one year had been laid on the Table of the House.

THE CHANCELLOR OF THE EXCHEQUER said, that before a satisfactory arrangement could be made on the subject referred to by the right hon. Gentleman, it was desirable that several questions relating to the police should be considered and brought under the notice of Parliament. Last year, when the Government decided on making subventions to local taxation, it was proposed to add one-fourth to that which had previously been granted. Last year the Government simply passed a Bill to enable them to make the increased payment this year, and he and the Home Secretary had hoped to have been able this Session to have introduced a Bill that would have put the matter on a more permanent footing. The pressure of Business, however, having been considerable, and the question being one which involved points of complexity likely to lead to a discussion, Her Majesty's Government had thought it better to let the matter stand over, and bring in a measure next Session to settle the principle upon which the contributions should be made in future. He should, therefore, ask the House to continue the Act of last Session for one year more.

GENERAL SIR GEORGE BALFOUR pointed out that the policemen now maintained throughout the United Kingdom had largely increased of late years, especially in the English counties, where they had nearly doubled within a few years, and now that so large a portion of the expenses of this force was defrayed out of the Exchequer it might be expected, as the usual result of people who had to spend the money of others, that both the expenses and numbers of the police would

rapidly increase. It would, therefore, be a wise and right step to have a full and complete Report on the whole of the police of the United Kingdom, not only as to numbers but as to grades, pay, and all allowances and expenses under heads as clear and specific as for soldiers and sailors in the Army and Navy Estimates, and the expenditure as carefully and strictly examined into as for these two great branches of the public service. At present it was utterly impossible for any private Member to ascertain either the numbers or cost of the force maintained, owing to the objectionable mode in which money was voted for this purpose. All that he could attempt to do was to state the total outlay for police to amount to about £4,000,000 out of the Exchequer, besides the money raised locally for this purpose; and the Government must see that it would be desirable that the Committee should know how many policemen there were throughout the country for which force £4,000,000 were required.

MR. ASSHETON CROSS said, it was the intention of the Government to take the matter in hand. He had already given directions for certain statistics to be obtained, and he hoped that before next Session the information would be obtained.

*Vote agreed to.*

(13.) £732,598, to complete the sum for the County and Borough Police, Great Britain.

MR. WHITWELL complained that the Government Inspectors compelled the local authorities in quiet counties, comparatively free from crime, to provide the same number of police per 1,000 as in counties densely populated and rife with crime.

MR. ASSHETON CROSS said, it must not go forth to the public that the Inspectors had been asking generally for more police than there ought to be. He did not mean to say that in some cases this might not have happened; but it was not the intention of the Inspectors or the Government. The whole question of the county and borough police was engaging the attention of the Government, and he hoped next year to be able to state what their proposals were.

SIR ANDREW LUSK thought that with all these annually increasing Votes it would be most difficult for the Govern-



ment to control the expenditure and satisfy Parliament that there been proper economy.

*Vote agreed to.*

(14.) £335,227, to complete the sum for Convict Establishments, England and the Colonies.

SIR JOHN KENNAWAY said, he congratulated the Government on the abolition of the Gibraltar Convict Prison. He asked the Home Secretary if he could give the Committee any information respecting the disposal of convict labour. A difficulty had arisen in many prisons how to dispose of the articles produced in them. He admitted the evil that existed in competing with the mat trade. He suggested that the Public Departments should be the purchasers, as they were great consumers of many articles that could be made in prison. In Bavaria most of the blue cloth worn by the soldiers was made in the prisons of that country.

MR. SHAW LEFEVRE asked whether the Convict Prison at Gibraltar had already been broken up, or whether the Government merely intended to break it up?

MR. ASSHETON CROSS said, the Convict Prison at Gibraltar had already been broken up, and the greater number of the prisoners had been brought away. With regard to the question of prison labour, he had received frequent deputations from the mat-makers, whose industry did seem to be rather unduly pressed and the mat market glutted by prison labour. This being so, he had endeavoured to turn the attention of the governors of gaols to the production of other articles, and no doubt there were many such articles which Government Departments might take. As one example, he had this year entered into a large contract for making up by convict labour the clothing of the Metropolitan Police, which was furnished in a very good and substantial way and at a somewhat cheaper rate than it could be bought for in the open market. The principle was a sound one, but could only be adopted by degrees.

*Vote agreed to.*

(15.) £75,990, to complete the sum for County Prisons, Great Britain.

SIR JOHN KENNAWAY said, the Prisons Act had produced a great effect

in regard to giving us satisfactory and proper prisons; but in regard to prison labour it did not seem to him there was that uniformity throughout the country which it was the object of the Act to enforce. In some prisons the prisoners were kept at hard labour during the whole of their imprisonment, in others only for the first three months. He thought it was questionable whether, after the first three months, labour at the crank should be continued, and considered that industrial labour might then be substituted for penal labour. At all events, it should be the rule and not the exception. The great difficulty was found to arise from the number of short sentences, people having been imprisoned, again and again, for periods under 15 days. Then, there was another point to which he wished to direct attention, which was, whether, as the Government paid so largely for the maintenance of prisoners, some further assistance should not be given to the Prisoners' Aid Societies, which did so much good in saving discharged prisoners from their old associates?

MR. ASSHETON CROSS observed, that the different matters mentioned by the hon. Baronet were now under the consideration of the Government. The Prisons Act had been in operation for 10 years, and he thought the time had come when a general survey of its operation should be made by the Government. Ample time had been given people to make up their minds with respect to it. It was very desirable that it should be known as a matter of certainty what hard labour was, and that it should mean the same thing throughout the whole country. He did not think there was that uniformity which might easily be obtained by a careful investigation. With regard to Prisoners' Aid Societies he could make no promise on the part of the Government. He could only accept and acknowledge the good which they might do when conducted on safe, sound, and prudent principles.

MR. W. T. STANHOPE remarked that the practical way of reforming prisoners was by teaching them how to obtain a livelihood by honest labour.

MR. H. T. COLE said, that a man should be taught some trade which would be useful to him when out of gaol. No fewer than 15 or 16 different

*Sir Andrew Lusk*

kinds of labour were taught in some of our gaols—Preston, for instance. The American prisons were absolutely remunerative, and made a considerable return to the State, and when the prisoners were discharged they were presented with a sum of money which they had earned, and which enabled them to live until they obtained work, and often kept them from thieving and stealing again. It was worth remarking, in illustration of the results of different systems, that while the re-committals in Devonport Gaol were only 6 per cent, those in Exeter Gaol were 35 per cent.

*Vote agreed to.*

(16.) £154,527, to complete the sum for Reformatories and Industrial Schools, Great Britain.

(17.) £22,758, to complete the sum for Broadmoor Criminal Lunatic Asylum.

MR. MITCHELL HENRY said, he had brought this subject several times under consideration, and he would only remark that there was quite as much reason now for the attention of the House of Commons and the Government being directed to it as there had been before. The amount of the Vote appeared as £30,258; but in addition there had been Votes to the amount of £5,240 for repairs and new works. Last year, also, that Vote amounted to £5,000. He wished to suggest that it would be desirable that a marginal note should be attached stating what sums had been taken for this asylum in previous votes. He would also suggest that the Government should consider during the Recess the desirability of appointing a Select Committee to inquire into the lunacy system in the Three Kingdoms. The lunacy laws of the Three Kingdoms were different both with respect to private asylums and convict establishments. There was an additional reason why this subject should be considered by the House, which was that a sum of 4s. a-day given as a subvention would in a short time amount to £1,000,000 a-year. The Scotch had assistance given for their lunatics which was not given in England or Ireland, and in Ireland he thought wrong steps had been taken. He hoped early next Session a Committee would be appointed to take into consideration what improvements could be effected in the administration of the law in relation to criminal lunatics,

MR. DODSON wished to know whether the reduction in the Vote for clothing and victualling was due to economy in the purchase of articles of clothing and consumption?

MR. RAMSAY said, he hoped some inquiry would be made with the view of ascertaining the reason why criminal lunatics, which cost only £15 per head per annum in some counties, cost £45 in others. He wished particularly that Perth and Broadmoor should be contrasted.

SIR HENRY SELWIN-IBBETSON said, the reduction in the charge of victualling was entirely owing to a difference of prices.

*Vote agreed to.*

(18.) £14,090, to complete the sum for Miscellaneous Legal Charges, England.

Resolutions to be reported upon *Thursday*;

Committee to sit again *To-morrow*.

#### NORWICH ELECTION.

Her Majesty's Answer to Address reported, as followeth:—

"I have received the Joint Address of the two Houses of Parliament in reference to the Report made by the Judge selected to try a Petition in respect of the Election and Return for the City of Norwich.

"And I have given directions accordingly for the appointment of the gentlemen named in the Address to be Commissioners for the purpose of making the inquiry prayed for."

It being now five minutes to Seven of the clock, the House suspended its sitting.

The House resumed its sitting at Nine of the clock.

#### ARMY—CASE OF THOMAS DUFFY—CURRAGH CAMP.

##### MOTION FOR A SELECT COMMITTEE.

MR. MELDON rose to call attention to the dismissal of Thomas Duffy, late Brigade Sutler, Curragh Camp, county of Kildare, and to move for an Inquiry into the circumstances under which his dismissal took place. The hon. Gentleman said, this matter was one of those



which were generally called a private grievance, and was not a matter of general importance; but he thought if he established the facts of his case the House would not hesitate to interpose. Mr. Duffy must necessarily, unless some relief was given to him by the Government, after 20 years' service, betake himself to the workhouse, because all he was worth in the world was expended in the erection of a building in the county of Kildare, and his capital in it was now sought to be destroyed. Mr. Duffy's connection with Kildare commenced in 1855, at which time the system of military canteens had not been introduced, and civilians were allowed to supply groceries and spirituous liquors to the troops. Mr. Duffy made an agreement, and one of the terms of that agreement was that he should hold the position of sutler at the camp during good behaviour, and that he should not knowingly permit or suffer anything contrary to the rules and regulations of the commanding officer. Immediately on signing that agreement, Mr. Duffy expended a sum of between £2,000 and £2,500 in erecting a canteen, and from that time up to the 9th of February, 1874, he carried on the business of camp sutler without a single complaint being made against him. But on the 9th of February, 1874, he was told he was not to open his canteen until he had seen Major General Wardlaw, the commanding officer. Mr. Duffy saw the commanding officer, who told him that complaints had been made that he had served some soldiers with drink during the prohibited hours on Sunday. There was no foundation whatever for the accusation, but the War Office took the same view of the case as the General commanding, and ultimately Mr. Duffy received a letter from the War Office telling him that he might, if he could, dispose of his canteen building to any person he might find, subject to the approval of the military authorities, but that if it were not so disposed of or removed before a certain date, it would become the property of the War Office. That was surely a most arbitrary procedure. Had the building in question been a wooden hut it might have been removed by Mr. Duffy; but to command him to remove a stone and mortar structure under the penalty of its being confiscated, was manifestly unjust, as well

as unreasonable. On July 21, although Mr. Duffy was constantly demanding inquiry, a sentry was put at the door, and no article was allowed to be removed. Assuming that Mr. Duffy had been guilty of the charge, the next circumstance put the authorities in the wrong. On August 20, when the Government knew everything, Mr. Duffy was told he could not conduct the business any more, and that another gentleman had been appointed in his place, who was to give him £1,100 for the building, the stock to be taken on valuation. Mr. Duffy, however, received a verbal message that he was to have nothing to do with Captain Ingham, and that he was to sell his stock and to be off. All that Mr. Duffy asked for was an inquiry, and that he might be told what the accusation against him was. The stock was worth £600 or £700 when Captain Ingham was in negotiation, but when it was sold it realized only £300. On February 4, Mr. Duffy was told to remove the building, which had cost him between £2,000 and £3,000, by March 31. Mr. Duffy presented a memorial protesting against being dealt with in so partial a manner, and the Secretary of State met the memorial in the most courteous way; but on April 30, 1875, Mr. Duffy was told that the Secretary of State saw no ground for altering the decision already made. Under the circumstances, he thought that the Government ought to grant Mr. Duffy an inquiry.

SIR JOSEPH M'KENNA seconded the Motion.

Motion made, and Question proposed,

"That a Select Committee be appointed to inquire into the circumstances of the dismissal of Thomas Duffy, late Brigade Sutler, Carragh Camp, county of Kildare."—(*Mr. Meldon.*)

LORD EUSTACE CECIL regretted that the hon. Member should have given himself the trouble of bringing this case before the House, and that he should have occupied the House with a case which might have been brought before the Courts of Law if there was any grievance in the matter. He, however, contended that no such grievance existed, and could show, on the contrary, that Mr. Duffy had been very leniently dealt with by the War Department. The case was simply this: On the 8th February last year, 30 or 40 soldiers were found on Duffy's premises

*Mr. Meldon*



drinking malt liquors and spirits during prohibited hours, in consequence of which Lord Sandhurst, the general officer commanding, ordered the canteen to be closed. Representations were at once made to the War Department, representing the hardships of the case, and a memorial was presented stating that Mr. Duffy had for 45 years been keeping canteens; and it was also alleged that in the present case the fault rested not with Mr. Duffy, but with his servant. He was therefore allowed to re-open the canteen from the 8th of March to the 30th June in order that he might dispose of his perishable stock, and then the canteen was closed. Meanwhile Mr. Duffy had written asking that he might receive some compensation for the removal of the hut, and he founded his complaint upon the fact that the hut had been built by himself and was a brick structure; but it was found upon inquiry that it was one of the sutler's old wooden huts, and that he had erected upon it some brick buildings, knowing at the time that he did it at his own risk, and that the buildings were removable at 14 days' notice. There was no knowledge on the part of the War Department of any agreement between Mr. Duffy and Captain Ingham. On August 21 the general officer commanding reported that the number of canteens was already sufficient, and the result was that an arrangement entered into between Mr. Duffy and Captain Ingham fell to the ground. Mr. Duffy was informed that he must get out of the building by September 30; but the time was afterwards lengthened to November 25, and further to December 31, and on January 12 Mr. Duffy was still in possession of the premises. Although the removal was to take place on the 7th June, he was still in possession at the present time, and so far from the War Department having been severe, they gave him three months in which to get rid of his perishable stock; and he also had something like 12 months allowed without enforcing that removal which might have been enforced upon 14 days' notice. So far from having anything to complain of, the War Department had done all in their power to meet his case. If he had anything to complain of, his case was better suited for the consideration of a Court of Law than of Parliament, and if he thought

that he had any grievance he should consult his solicitor.

Mr. MELDON said, it was evident from the statement to which the House had just listened that the sole accusation against Mr. Duffy was that some soldiers were found drinking on his premises at forbidden hours. Even if that accusation were well-founded, was it any sufficient reason for driving into the workhouse a man who had so long properly conducted himself? It was scarcely fair that a public servant having a grievance of this kind should be told to go to a Court of Law. Let there be an inquiry into the facts of the case, or let compensation be given to Mr. Duffy for his buildings.

Question put.

The House divided:—Ayes 33; Noes 72: Majority 39.

#### CENTRAL ASIA.

##### MOTION FOR PAPERS.

Mr. BAILLIE COCHRANE rose to call attention to the progress of Russia in Central Asia; and to move an Address for Copies of any Papers relating to the occupation of the Khanate of Khiva by Russia. The hon. Gentleman said, that a fortnight since a very interesting discussion took place upon the Motion of the hon. Member for Gloucester (Mr. J. R. Yorke) in reference to Turkey and her distant provinces, and throughout the speeches made on that occasion there was evident a feeling of anxiety and uneasiness with respect to the influence of Russia in those provinces. And not unnaturally so, for there was no country, not excepting Germany, that had made such extraordinary progress as Russia within the last half century. She had had the good fortune to be governed by Sovereigns of the highest capacity and the loftiest ambition; and the present Sovereign was inferior to none of his predecessors in those great qualities. The Emperors of Russia had had the sagacity to select as Ministers and Ambassadors men of the most pre-eminent ability to regulate the destinies of that great country. Not content with her present condition, Russia had her gaze fixed upon both the West and the East. In the West, in Europe, she had set her face towards an unfrozen sea; and in the East she looked to ex-

tending her influence over the whole of Central Asia. There was a phrase which said that Russia always had an Eastern iron in the fire. Therefore it was necessary, and he trusted that he should not be thought unduly presuming if he ventured to call attention to the fact of Russia having made recently a great addition to her territorial power in Central Asia; and also to call attention to a question that was of momentous interest to our own country. He had the very highest authority for saying that this was a question which ought not to be overlooked, and which might lead to the very gravest consequences, not only in the East, but also in the West. He quoted, in the recent debate to which he had referred, a most remarkable letter, written on his death-bed by Fuad Pasha to the Sultan, in which he said—

"Russia is the inveterate enemy of Turkey. If I had been myself a Russian Minister, I would have overturned the world to conquer Constantinople."

He went on to say—

"The indifference of England to the events of Central Asia astonishes and alarms me. What alarms me most, however, is the considerable change which the pacification of the Caucasian Provinces has brought about in the position of Russia. To me it is beyond doubt that, in any future events, the most serious attacks of the Russians will be directed against our Provinces of Asia Minor. I can conceive of many acts of folly of all Governments; it is even one of their prerogatives to commit them. But I confess I have been unable to fathom the profound wisdom of the Government which, with such strange indifference, permits the greatest despotism in the world to put itself at the head of 100,000,000 men, and arm them with all the appliances of civilization, to swallow up at every step provinces and kingdoms as large as France; and while it hems in Asia with its arms, and, on the other hand, undermines Europe by the agency of Pan Slavism, comes forward periodically protesting its love for peace, and its sincere resolution no more to seek for further conquests."

These were words which were deserving of our serious attention. In a remarkable book, recently published—the *Life of Count Rostoyshine*, who was Governor of Moscow when Russia, to recover her independence, made the grandest sacrifice a nation ever made—Count de Ségur quoted the Russian Press, and affirmed the opinion given at the time by Count Rostoyshine of the relative position of England and Russia. It was this—

"To overcome England we must divide Turkey, according to our ancient plan—that is

to say, we must take Moldavia, and Roumania, and Constantinople, dividing the remaining territory between Prussia and Austria, secure Egypt for France, then send 50,000 men thence to Persia to India, and drive England out of all her Eastern possessions."

That opinion the Russian papers of the present day entirely approved. He should not quote the views on the subject of all the great authorities in this country who had always looked with anxiety to the progress of Russia in Central Asia; but it was clear, he thought, that we must abandon our policy of indifference, or, as it might be termed, "masterly inactivity" in the case, when it was borne in mind that England was not only an European, but an Asiatic Power; and it had been well said that it was India which gave an Imperial character to the English nation. We must not be told that there was no immediate danger, for that was the opinion expressed before the Crimean War; and the consequence of the indifference and ignorance of the public mind upon these questions was that complications arose which drifted us into difficulties. He would briefly tell the House what had been the progress of Russia in Central Asia since the Crimean War. She had reduced the whole country between the Black and the Caspian Seas. The whole of the Caucasus had been brought under her dominion, and there was nothing to prevent her from taking the Asiatic Provinces of Turkey and carrying a railway through Teheran up to Cabul. East of the Caucasus her progress was still more remarkable. Since the Crimean War her troops had marched over those wild steppes like a tidal wave, and since the attack on Khiva she had the Oxus as her frontier. Through the Sea of Aral and the Oxus they had water communication almost to our Indian frontier, and if they had a railway only 200 miles long between the Black Sea and the Caspian, the construction of which was now contemplated, they could transport any number of troops in an incredibly short space of time down to the Oxus, and close to our Indian frontier; and that surely was a position which the House ought to look upon as one which demanded the gravest consideration. It was said that Russia could not move her Army through this wild, savage country, occupied by nomad tribes. But what was the state of affairs? He found that on

the Caspian Sea, Russia had 17 steamers, of, together, 980 horse-power, and 4,400 tons, and 17 sailing vessels, of, together, 1,250 tons. That fleet was considered sufficient to transport in a very short time half, if not the whole, of a division across the Caspian Sea. On the Sea of Aral were stated to be six Russian steamers of 186-horse power and 500 tons. The regular forces which had been advanced to the Russian frontier districts consisted of 18 battalions and four batteries, to which, however, were to be added considerable contingents of the Tshernomonic and Caucasian line Cossacks. In reality, that force was to be considered only as the vanguard of the Russo-Asiatic Army. After the complete subjection of the Caucasus, the main body of that Army was now the so-called Army of the Caucasus, of which the front was continuously and exclusively directed towards Asia, and which might be transported at any given moment to Central Asia by the fleet of the Caspian Sea. That explained why that Army had not been dissolved after the subjection of the population of the Caucasus. It was composed now of six divisions of Infantry, one division of Cavalry, 31 batteries with 167 cannon, two battalions of sappers and miners, and 36 garrison battalions—altogether, when on the war footing, 163,759 men, of whom 90,000 to 100,000 might be put into the field immediately. One of the newly-formed railway battalions had already been joined to that Army. [Mr. Bourke: May I ask from what authority the hon. Gentleman is quoting?] From *The Cologne Gazette*; but he was about to move for Papers, with the view of obtaining more accurate information on the subject. As it was, he, of course, could only take his information from the best authorities he could find. Now, two reasons had been assigned by Russia for the constant advance which he had mentioned. The first was that we had set her the example—that within a comparatively short time we had annexed the Punjab and Scinde, and that we were the most aggressive Power that had ever appeared in the East. He wished, however, to point out to those who argued in that way that nothing we could do in the East could injure Russia. We could not attack Moscow or St. Petersburg. We did not question the right of Russia to protect her fron-

tier; but there was danger to us from her progress. The position of Russia marching towards our Indian frontier and our annexation of Provinces for our own safety were two very different things. But then the Russian authorities alleged that the course she was pursuing was taken in the interests of civilization. That, however, was, he contended, a plea which should in no degree affect the feeling with which we ought to regard the progress which she was making. Somebody had well said, that even if there was no immediate danger, no man would like to have always a certain number of armed men looking over his garden wall. It was not Russian arms that we had reason to fear so much as Russian influence. Every step she made had its effect in Lucknow and Delhi. There was something grand in the idea of an irresistible destiny that must drive Russia on; and a feeling that, whatever happened, Russia must advance. What was the opinion of Sir Henry Rawlinson, one of the most impartial judges, and a man who knew that question thoroughly, on that matter? In his interesting book on *Progress of Russia in Central Asia*, Sir Henry Rawlinson said—

“All the good intentions of the Emperor have proved in practice to be mere temporary interruptions to the one uniform career of extension and aggrandizement, and we may be well assured that the continued advance of Russia is as certain as the movement of the sun in the heavens. Whether from the natural law of increase, or from the preponderating weight of the military classes thirsting for distinction, or from the deliberate action of a Government which aims at augmented power in Europe through extension in Asia, or from all these causes combined, we are told on high authority that in spite of professions of moderation, in spite even of our remonstrances, and possibly our threats, Russia will continue to push on towards India until arrested by a barrier which she cannot remove or overstep. If this programme be correct, it means, of course, contact and collision, and such I believe to be the inevitable result in due course of time.”

Let them come to the facts. He believed the Emperor and the Emperor's Ministers and Ambassadors to be as pacific in their intentions as they stated; but there was what was called the Old Party in Russia, and also a population in that country who impelled that great Empire on towards our Asiatic frontiers. In 1865 the most solemn assurances were given by the Russian Government that



that career of conquest was ended, and yet within a very short time afterwards they advanced their frontier hundreds of miles further. In 1869, again, the same positive assurances that Russia should not advance were given to Sir Douglas Forsyth, who was sent to St. Petersburg on a special mission; but a few months later she had hundreds of miles more territory. Samarcand was not evacuated as had been promised, and she had extended her dominion nearly to Khiva. Well, in 1871, what happened? That distinguished man, Count Schouvaloff, was sent on a special mission to England to prove that there was no intention on the part of the Russian Government to occupy Khiva; that she was only going to punish the Khivans for offences committed against her subjects, and would then leave the country altogether. She had certainly kept the word of promise to the ear; but the whole of that district was under the command of Russia. In the Treaty concluded between Russia and Khiva, the Khan acknowledged himself—

"to be the humble servant of the Emperor of All the Russias. He renounced all direct and friendly relations existing with neighbouring rulers and Khans, and of concluding with them commercial and other treaties of any kind soever, and bound himself not to undertake any military operation against them without the knowledge and permission of the superior Russian authority in Central Asia. The whole of the right bank of the Amu Daria, and the lands adjoining thereunto, which have hitherto been considered as belonging to Khiva, shall pass over from the Khan into the possession of Russia, together with the people dwelling and camping thereon. Those portions of land on the right bank which are at present the property of the Khan, and of which the usufruct has been given by him to Khivan officers of State, become likewise the property of the Russian Government, free of all claims on the part of previous owners. The Khan may indemnify them by grants of land on the left bank. In the event of a portion of such right bank being transferred to the possession of the Emir of Bokhara by the will of His Majesty the Emperor, His Majesty the Khan of Khiva shall recognize the latter as the lawful possessor of such portion of his former dominions, and shall renounce all intentions of re-establishing his authority therein. Russian steamers and other Russian vessels, whether belonging to the Government or to private individuals, shall have the free and exclusive right of navigating the Amu Daria River. Khivan and Bokharian vessels may enjoy the same right only by special permission from the superior Russian authority in Central Asia. Russian merchants shall have the right of carrying their goods through the Khivan territory to all neighbouring countries free of Customs duties (free transit trade). Complaints

and claims of Khivans against Russian subjects shall be referred to the nearest Russian authorities for examination and satisfaction, even in the event of such complaints and claims being raised by Russian subjects within the confines of the Khanate. A fine is inflicted on the Khanate of Khiva to the extent of 22,000,000 roubles, to be paid in 19 years."

Russia not having carried out her pledges, the question arose, what was to be done? A great deal had been said about a neutral zone of territory; but, when they had arranged all that, it would exist only as long as suited the will of Russia. No neutral zone and no Treaty was worth anything. It was a monstrous thing that after all our sacrifices in the Crimean War Russia should have been suffered to tear up the Treaty which excluded her fleets from the Black Sea. He would, however, suggest two things which he thought could be done and which would be most beneficial and advantageous to both parties. Again he would quote the high authority of Sir Henry Rawlinson, who said—

"Our proper course, then, as it seems to me, is, in the first place, to assure ourselves of the principles of the policy which we are in future to pursue in Central Asia; and, in the second place, to keep the execution of that policy exclusively in our own hands, entirely under our own control."

In deciding on what we intended to do, we should leave ourselves free to act without having any understanding with Russia should certain eventualities occur. But he had another and more practical suggestion to make to the House. The key of the position at the present moment was Afghanistan. In 1869, when the late Lord Mayo was at Umballa, Shere Ali, the Ameer of Afghanistan, visited him and was received with all the courtesy and dignity which distinguished everything that Lord Mayo did. Shere Ali left that Durbar so delighted with his reception that for some period we were perfectly in the ascendant in Afghanistan; but the policy since pursued had made us unpopular in that country. We had interfered when we ought not to have done so, but now was the time when we should repair our error. Afghanistan was a district which we must look to for grappling with Central Asia, and therefore he thought we ought to have a Resident of great consideration and dignity at the Court of the Ameer of Afghanistan and also a Resident at each considerable town to represent the English nation. There would be a good

opportunity very soon of using our influence there, when that event occurred which was now enlisting the sympathies of the whole of India and England—namely, the visit of His Royal Highness the Prince of Wales to India. If, when His Royal Highness was at Lahore, he would receive the Ameer of Afghanistan in the same manner in which Lord Mayo did, he (Mr. B. Cochrane) believed it would have an effect perfectly extraordinary upon our relations with that country. We had in a manner made ourselves responsible for Afghanistan. At the present time, if he was not mistaken, we actually subsidized the Ameer. But we ought not to end there. We ought to do our best to bind Afghanistan in every way to England, and if we did not accomplish it we should be at the mercy of Russia and be involved in future complications of the most difficult character. He did not say we ought to occupy Cabul, or anything of that kind; but in every friendly way—by means of commercial treaties, for example—we ought to seek to unite the interests of the two countries, and the first thing to be done with that object was to have a Resident at the Court of the Ameer. The importance of this policy would perhaps be appreciated when it was remembered that there were no fewer than 12 passes leading from Afghanistan into India. There was another point demanding notice. As Russia contemplated the extension of a line of railway into the heart of Asia, so ought we in every possible way to develop our communications with the East. Some time ago we had an opportunity of acquiring a dominant interest in the Suez Canal, and bitterly he regretted that advantage was not taken of it. The Canal was at present entirely in the hands of French *employés*, and at any moment they could shut it up, as was threatened last year. To this matter our attention ought to be turned, and also to our relations in other respects with Egypt, a country which, under the Government of Nubar Pasha, was developing more rapidly than any other in the world. Then there was the proposed Euphrates Valley line of railway. That line could be constructed without a penny expense to the British Government. A company was ready to undertake the task, and its importance to us would be immense. He could have proceeded on a question like this at

any length; but he did not wish to do more than to put clearly before the House what the position of the case was. It was in no spirit of antagonism to Russia that he had brought forward this subject. On the contrary, he had not said one word which reflected on the Government of that country. His feeling towards that Government was one of the greatest admiration. But it was necessary that the relative positions of this country and Russia should be clearly defined, and that each should know what the other wanted. The danger was when events became confused, and events occurred when no one knew what course to adopt. Russia was one of the most magnificent countries in Europe, and it should not be forgotten that she was the first country to break down the supremacy of the First Empire. Our attention, he regretted to say, was but little called to matters of this kind. We must bear in mind that we were not only a European Power, but also a Colonial Empire; and above all an Asiatic Empire. He gladly recognized that Lord Derby, as the head of the Foreign Office, had shown the greatest courage, combined with the most admirable discretion, and also great resolution combined with the soundest judgment; and he felt confident that not only the Foreign Secretary, but Her Majesty's Government in general, were resolved that the greatness of the British Empire should not be impaired.

Mr. HANBURY, in seconding the Motion, said, he desired to imitate the tone of moderation which the hon. Member who had just spoken had adopted. While he regarded as most extravagant the expectations which were sometimes indulged in as to the advantages which would accrue to civilization from the advance of Russian arms in Central Asia, he was at the same time unable to join in the blame which many persons cast upon the Russian Government. It was clear, however, that Russia was not herself so thoroughly civilized that she could spread civilization over the half of Asia. Russia was essentially an Asiatic and not a European Power, and the civilization that she produced must, of necessity, be of an Asiatic character, and that civilization would have to be administered in Asia by lieutenants far removed from the capital, and exercising with almost an iron sway the rigid rules of



despotism. Very little had resulted from the vast conquests in Turkestan, from which much benefit to civilization was expected. An eminent and impartial authority on this subject was Mr. Schuyler, the first Secretary of the American Legation at St. Petersburg, who, in a Report he had made to the United States, quoted instance after instance in which the prefects of various districts had levied taxes, and spent the money on their private expenses, while the same thing was done with the deposits in the savings banks, ostensibly established for the benefit of the population. Both with regard to industry and commerce the Russian Administration had done comparatively nothing, and next to nothing had been done in the matter of education. That was from the Report of Mr. Schuyler. For his own part, he accepted it *cum grano salis*; but, still, there could be no doubt that the civilization had advanced less than was expected. The same authority stated, with reference to commerce, that the vast trade in Central Asia had fallen off rather than increased, and that, in fact, there was very little opportunity for trade there. Small as this trade was, it was burdened with heavy taxation, as stated in Mr. Mitchell's Report, our *attaché* at St. Petersburg, especially cotton goods and tea. But, while it was impossible to praise Russia, it was, at the same time, difficult to blame her for the course she had pursued. We ourselves had advanced exactly in the same way in India as she had advanced in Central Asia, sometimes by right, and sometimes by might. During the last 30 years Russia had advanced some 1,000 miles in Asia, while we had advanced about as far in India, and we, moreover, had acquired fertile and productive territory, while she had conquered mere barren wastes and parched deserts. There was, however, in our advances one striking difference between the two countries, and that was that we had never shown such an ostentatious disregard for our promises and engagements as Russia had done. It was doubtful whether, in the whole of our history of conquest in America, Africa, and Asia, there had ever been shown, either in the case of an Indian Prince, a New Zealand Maori, or even an African Prince, such sweet credulity and such innocent confidence as was shown by one

of our great Ministers of State in the answer given to the last and grossest violation of a promise on the part of Russia. He referred to the despatch of Earl Granville, which was sent to Prince Gortchakoff when the solemn engagement with regard to Khiva in 1873 was violated. When no faith was to be placed in such promises, Earl Granville wrote that Her Majesty's Government saw no practical object in examining too minutely as to how far those arrangements were in strict accordance with the assurances given by Count Shouvaloff, and that each step of that progress rendered it more desirable that a free and frank understanding should continue to exist as to the relative position of Russian and British interests. The question, however, which possessed most interest for us was—Where was Russia to stop? There was no doubt that she must, and would, creep on to the borders of Afghanistan and of Kashgar. But what would occur when she had reached those limits? The condition of Afghanistan was so unsettled and so uncivilized that it would be difficult to put a stop to Russian intrigues in that country, more especially as, notwithstanding that we subsidized the Ameer, no Englishman was allowed to set foot upon his territory. The position of Kashgar, however, was very different. The people of that country were stated, upon very high authority, to be in a very comfortable condition, and were said to have attained a considerable degree of civilization, violence and crime being almost unknown among them. Russia, therefore, would have no excuse for invading that country on the plea of its turbulence, while its social condition was such as to give no hopes for commerce. It was a singular fact that, while Russia had actually lost by her commercial and financial relations with her conquered territories in Central Asia, she had managed to give them good military roads, which were almost unknown within her own proper territories, while her occupation of those vast and unproductive districts was military rather than commercial. Finding that Russia had made her advance under such very suspicious circumstances, and that the Russian papers were talking of the alarm which it must create in the English mind, we naturally asked what was to be the recompense for all this great expenditure of life and property?

*Mr. Hanbury*



The answer to that question would probably be found in the fact that her conquests were daily bringing her nearer to vast and rich countries. It was not to be anticipated for the present, at all events, that she would attempt to attack India; but she might easily interfere very seriously with our trade with China in the East, and with our communications with India in the West. It was, however, at ports that trade must be tapped, and it was in acquiring ports that Russia would undoubtedly try to make her way. Step after step was being taken by Russia to reach the Pacific—the great page on which the future history of the world's traffic would be written—and which would more than rival the Atlantic. Russia would be able to bring great influence to bear upon China by land, and to get advantages which we in the more distant West could not hope to obtain. Those advantages would be of no use unless she could reach the ocean, and this she was continuously struggling to do. She was already strong on the Mediterranean and the Caspian; and Mr. Palgrave, one of the highest authorities on questions relating to Asia Minor, had shown that Russia's nearest route to the Pacific was the route by the Black Sea, the Euphrates Valley, and the Persian Gulf. He had travelled every inch of it himself, and was therefore able to appreciate Mr. Palgrave's view. When Mr. Palgrave wrote he anticipated the advance of Russia would be checked by the creation of a new Mahomedan power in the north-east of Asia Minor; but his anticipations had not been fulfilled, and the very circumstance in which he saw an obstacle had proved to be a facility to Russian advance, for the 16,000 or 17,000 Circassians, who, it was thought, would have formed a Turkish alliance, had returned to the Caucasus, and were serving under Russia, and of the few who remained in Turkey, several told him that when their term of service was over they would join their friends in the Caucasus because the Russians were treating them so well. India virtually began at Bagdad; one-third of the population were Indian subjects or Indian refugees; here were some of the richest of Indian traders and some of the most rebellious of Indian subjects; and here could be stirred up an opposition to us which might fer-

ment and fester throughout India, and be most dangerous to our political influence in the North of India. Although Russia was not inclined to make any direct attack upon our Indian Empire, she possessed wonderful facilities for creating diversions against us, and stirring up Mussulmans to effect her purpose in Europe and down the Tigris Valley. The question was, how we were to meet her? We might easily retaliate by stirring up her own subjects against her in Turkestan and China. But he did not think that was a policy which this country would be prepared to adopt. Another policy which was advocated was that of alliance with Russia. He did not think that was a policy from which they were likely to derive much satisfaction; because, however anxious the Emperor of Russia might be to keep his promises, his lieutenants would not carry them out. What remained for them was what always remained for them—to trust to themselves. Surely they had got courage enough to defend those possessions which they had gained. No doubt if we trusted to our soldiers our possessions in India would be safe; but, unfortunately, we had to trust to our statesmen, who did not exhibit the courage and determination that were displayed by our soldiers in the field. Did those who took the humanitarian view of our policy in India, and who talked of the necessity of educating India to govern herself, remember that the Natives of India belonged to a race who could not defend themselves, and that the moment we left India the Mussulmans would again re-assert their supremacy? There was now, moreover, another invader at the gates of India, and he would ask whether, in the event of our leaving India, there would be any advantage to the Natives of that country in the substitution either of Mussulman supremacy or Russian supremacy for our rule? About two years ago the hon. Member the Under Secretary of State for Foreign Affairs delivered a lecture in King's Lynn in which he adverted to the causes of our failure in India. He said that what we wanted was that our foreign policy in regard to India should be under one body and one head, but that at present it was committed to four different bodies—the Government of India, the Secretary of State for India, the Indian Council, and

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rely on our own strength and ability to defend ourselves. Well, that was the true remedy. But if we were to defend ourselves we ought to wait until we were attacked. To anticipate attack would only create greater difficulty and danger. For himself, he had never been accused of an indisposition to progress, and he had always been inclined to go as far as it was prudent to go. There were, however, some circumstances under which, when you could not advance without danger, the best thing was to stand still. The best policy under present circumstances was to try how it would answer to do nothing. On each side of that great mountain barrier—the Himalayas—were two great countries, one was India and the other Turkestan. A hundred years ago England had made very small progress in conquering India, and Russia had made small progress in the direction of acquiring Turkestan; but since then England had progressed until she had acquired almost the whole of India, which, if not very profitable, was governed without loss; while Russia had by no means made equal advances in Turkestan, and had not succeeded in making the country pay. Under these circumstances, was it possible for us to prevent the advance of Russia in Turkestan if she chose to advance? He asserted that we were not in a position to do so, and if we made the attempt we should either be treated with contempt or else obtain those promises that were only made to be broken. For us to attempt successfully to prevent Russia's advance into Turkestan was, he believed, perfectly out of the question; but, for his part, he regarded it as being very doubtful whether Russia would incur the enormous expense of taking possession of the whole of that country. If they could not stop the advance of Russia, what ought they to do? If they did anything, they must themselves advance into Afghanistan. Well, he had always been a man of action, and was not disinclined to advise the taking possession of territory where the people were not accustomed to freedom, and of which it was expedient to take possession. He had himself very recently taken possession, in the name and on behalf of Her Majesty, of territory such as he had described on the other extremity of India, and in justification of such a policy much was to be said. But the conditions

which justified it did not exist in the case of the Afghans. They were a people who prized freedom above all things. They might be called turbulent, but they had a passion for freedom. They could not take possession of the country of that free and democratic people without an expenditure of blood and treasure which would be totally disproportionate to the object in view. They had once tried this, and had burnt their fingers. Unless, therefore, it was a case of extreme necessity, it would be madness to attempt to annex Afghanistan. That being so, what course was suggested to us to follow? It was this—to enter into diplomatic relations with the Afghans, with a view to buying them up. Well, there was an old proverb, that you cannot get the breeks off a Highlander; but he believed that that feat would be an easy one compared with the obtaining of a diplomatic advantage over the Afghans. Where they sold they had always the best of the bargain. No one could, so to say, come over them by diplomacy. There was this difficulty, too—that Afghanistan was not a united kingdom. It was a country made up of a great number of tribes, many of which were absolutely independent each of the others, and the Ameer had no real authority or real stability upon which we could rely for the fulfilment of a treaty. The day after a treaty was made with one Ameer, there might be a revolution and another Ameer in power. In fact, the course suggested would lead to much difficulty and expose this country to great political dilemmas, and for this reason, among others, that they could not secure the safety of a British Resident in Afghanistan. Any unruly Afghan might any day cut the throat of the Resident and render it necessary that we should send an army into the country. The true policy to pursue was, he said emphatically, not to make a fuss, not to talk so much upon the subject of Russian aggression. Talking where one did not mean to act, or could not or would not act, was likely to lead to mischief. The continual making of a fuss about Russian advances in Central Asia exposed a raw in our political hide and led Russia to think that she had a “pull” over us. If there was any degree of alarm in India on the subject, and excitement in men’s minds and in the bazaars or regiments, it was due, he

believed, not to Indian intelligence, but solely to the fuss and rumpus made in the English papers, and the articles being copied into the Native journals. Well, if that were the real cause of it, he was convinced they ought to get rid of all that fuss and pursue a policy of “masterly inactivity.” He maintained that our fathers were wrong in formerly advancing into Afghanistan. It might be that Russia could establish herself in real strength in Central Asia, and if she established herself there, it would be necessary that we should be vigilant. In the meantime, he felt there was so little immediate prospect of collision with Russia that, probably, the question might be left to their children, or even to their grandchildren. At the same time, he did not say that we were not under any circumstances to take notice of the advances of Russia. England was not the only Power which, under such circumstances, would find it necessary to check the advance of Russia. If Russia were to take possession of Asia, and to acquire such a position that she might turn her hordes, disciplined by Russian officers, against Europe, Powers other than England would be interested in checking her advance. But the danger was by no means imminent, and he therefore thought it would be well to trust for the present to the chapter of accidents, and leave Russia to difficulties which she must necessarily encounter in pursuing a policy such as that of which she was by many suspected.

MR. BOURKE: Although this debate has been somewhat discursive, I think hon. Members will admit that it has been very interesting, and although the hon. Gentleman who has just sat down has rather deprecated discussion on the subject, I think the House will agree with me that, at all events, one good result it has had has been the giving us the pleasure of listening to his speech—a speech which was characterized not only by great knowledge and experience of the country of which we are speaking, but also by the common-sense of his native land. Now, I do not deny for a moment the right of my hon. Friend (Mr. B. Cochrane) to bring forward this question—I should be the last person in the world to deny him the right. At the same time, I hope he will excuse me if I decline to follow him throughout all the



subjects on which he has addressed us. I think, Sir, I shall best discharge my duty to the House if I first allude to the Motion on the Paper, and which asks for the production of documents. Now, all the Papers relating to the treaty have been already produced, and consequently it is not in the power of the Government to produce any more. On the whole subject of Central Asia, I may say, that communications and despatches have passed between Her Majesty's Government and the Government of Russia, but these communications are not ripe for publication; but when the time comes we shall be very happy to produce such of them as we may think proper. I regret that it is not in our power to produce them this evening, because I am quite sure the House and the country would approve of the course which Her Majesty's Government have taken in the matter, and I am quite sure also that they would be thoroughly convinced of the harmony that prevails between the two Governments. A great portion of the speech of my hon. Friend was an historical survey of the progress of Russia in the East. It is not my intention to go into that question, for this simple reason—that there is no subject which interests people throughout Europe more, and in regard to which we have every sort of information supplied to us by the newspapers; and although my hon. Friend has brought forward many interesting statements, it would be comparatively useless for me to make any comments on them. But he is altogether in error when he supposes, as he seems to do, that either this House or the Government have been indifferent on the subject. I can assure the House that the Government have taken a very considerable interest in it. But when my hon. Friend talks about the progress of Russia, and likens it to the progress of a tidal wave which has swept over the country, he has acquired a totally different impression of it from that which we entertain; because we know it has cost Russia a great deal of time, and a vast amount of money and blood, to obtain the position she now has in Central Asia; and so far from her progress being like a tidal wave, I do not know any country that has expended an equal amount of labour in conquering another as Russia has in conquer-

ing that part of Turkestan which she now occupies. Then my hon. Friend went on to speak of Khiva, and he drew attention to the communications that have passed between Her Majesty's Government and the Government of Russia. Now nobody who reads English can assert that the engagements which we understood Russia to have entered into in regard to Khiva have been kept. That is a subject which has not, and ought not, to be lost sight of; but it is one on which, it will be perfectly obvious, it would be very wrong of me to enter at present. He then went on to speak of the desirableness of keeping up communication with the East, and I do not think there can be any doubt about that. He speaks of the Suez Canal. Well, its destiny is in its own hands as a great commercial speculation, and if it is true, as all must agree it is, that, both from a commercial and a political point of view, it is of great advantage to us, it is no less true that we are of great advantage to the Suez Canal, for I believe that at least 70 per cent of the vessels that pass through it are English. I am sure every person must sympathize with the undertaker of the Canal, and wish him every success in his great enterprize; but, at the same time, I think we ought not to bind ourselves to enter into any international pledge which must bring embarrassments on the country, nor do I think it should be the policy of this country to sanction any arrangement that would infringe on the territorial rights of the Khédive. Then, in regard to railway communication, I am sure we should all have great gratification in seeing such a line established, as has been alluded to by my hon. Friend, because it would have a great effect in developing the resources of the Turkish Empire, and, at the same time, would be of use to us in our commercial enterprizes and in our communications with the East. My hon. Friend (Mr. Hanbury) also addressed the House in a speech of great clearness and ability, and that speech was a most interesting dissertation upon the various topics to which it referred. He spoke of China and of Kashgar, and of our relations with Russia; but, while all these subjects are of the greatest interest, I do not think the House will wish me to enter upon them in detail,

*Mr. Bourke*

for I could only make some comments on them which, after all, would not be of very much value. With regard to the hon. Gentleman opposite (Sir George Campbell), he spoke in the first place, and almost all through his speech, in advocacy of a course of "masterly inactivity." That phrase is one which those acquainted with India have often heard; but, for myself, I would prefer that the circumstances of each particular case should determine the amount of activity which should characterize the foreign policy of England. But I would be sorry to commit myself to a general policy of "masterly inactivity," because I am not quite sure what it means, and, in some instances, "inactivity" of any kind, would, in my opinion, be undesirable. My hon. Friends have almost all asked what is to be done. Now, it has never been the policy of this country to declare beforehand what course it will adopt under hypothetical circumstances, or upon conditions which do not exist. Our policy is well known upon the subject before the House. We have no desire to advance our frontiers in the direction of Central Asia. We think that it is the interest of both Russia and England that a reasonable distance should intervene between our respective frontiers; and that there may be a danger in the future of the two nations drifting towards one another—a danger pointed out many years ago by Count Nesselrode; and we think that the policy of both countries ought to be to prevent that contingency. At one time it was thought that a formal recognition of a great neutral territory between the two Empires, which might limit the advance of each and be scrupulously respected by both, would be a desirable arrangement, and a correspondence took place upon the subject, the particulars of which have been laid before Parliament, but that correspondence did not lead to any agreement as to the limits of that neutral territory; and when it was proposed that Afghanistan should constitute the zone the Government of India could not entertain the proposition; and no agreement was ever come to upon the subject; and now, speaking of the present position of affairs, I would say that since the idea of a neutral territory was first advanced many territorial changes have taken place, which materially alter the condition of things. We think that

any undertaking or agreement based upon the principle of a binding engagement as to a certain defined neutral territory would be one likely to lead to misunderstanding and difficulty; and that an agreement that one Empire should exercise what has been called political influence within a certain sphere, and that the other Empire should exercise similar influence within another sphere, would be an unwise arrangement, for two reasons. In the first place, it is very difficult to define what political influence means, and misunderstandings might arise as to whether either country was or was not fulfilling its engagements to the other. Secondly, in a country like Central Asia, where boundaries are ill-defined and little known, where nomad tribes exist, who have never been accustomed to regard boundaries very scrupulously, where government in the European sense is not to be found, where the inhabitants are turbulent, lawless, and fanatical, it would be difficult, and perhaps impossible, for the Government of either Empire so to control events as to be responsible to the other for occurrences which took place beyond their own frontiers. Under these circumstances, while they approve of the principle which dictated the policy of a neutral zone—that is, that a reasonable distance should intervene between the two Empires—it is not the intention of Her Majesty's Government to enter into any formal arrangement or agreement upon the basis of a neutral territory within certain limits in the European sense of the term. They looked upon the *status quo* without apprehension. I have said we have no desire to advance our frontiers, and, so long as the present state of things remains substantially the same, Her Majesty's Government do not intend to countenance any such policy. We have given innumerable proofs to those States which abut on our Indian Empire that we desire them to be powerful, peaceable, and independent. We desire to show them that we are not an aggressive Power. We have long been united to them by friendly ties. We will not enter into any engagement which might prejudice either their interests or our own, or hamper our freedom of action with respect to them; and we hold ourselves at liberty to enter into further alliances with those States, according to



those considerations, commercial, political, and strategical, which we may, from time to time, consider wise and prudent. It is not for me to speak of the foreign policy of the Government of India. I should be trenching upon the province of my noble Friend the Under Secretary of State for India, were I to do so; but I may say that the establishment of the most friendly relations with Afghanistan is no new policy. It was advocated by Lord Canning before Dost Mahomed died. It was carried out by Lord Lawrence. It was acted upon by Lord Lawrence's successor. It was secured at the Umballa Conference, and the fruits of that Conference are that Afghanistan is stronger now than it has ever been since the days of Dost Mahomed. The development of that policy is a work of time, and depends a great deal upon the amount of confidence we inspire by means of personal influence in the minds of the Native Chiefs and rulers; and when freedom of intercourse is more fully established between us and them, we may hope that old suspicions and old animosities may be subdued, and that our motives will be more appreciated by those wild and warlike tribes which inhabit Afghanistan. If that policy is carried out with firmness, conciliation, and perseverance, it is that most calculated to preserve the peace of Central Asia. This is a policy which can give no umbrage to any Power in the world. If the great Empire of Russia, with which we are on the most friendly terms, is anxious, as I am sure she is, to develop the resources of her domains in Turkestan, she will best attain that object by allowing a peaceful commerce to spring up between India and Turkestan, which, if left to its natural course, will enormously profit both Empires, and will cement that friendship between the two countries which is so important to maintain. In conclusion, I hope that nothing which has been said to-night will tend for a moment to disturb the friendly relations existing between the two Empires.

MR. BUTLER-JOHNSTONE said, he believed that that part of the speech of the hon. Gentleman the Under Secretary of State for Foreign Affairs, in which he said that a correspondence had passed between the Russian Government and Her Majesty's Government, which, in the opinion of the latter, was satis-

factory; and that he hoped that measures, though he did not think it right to specify them, would be taken by which a good understanding between Afghanistan and ourselves might be promoted, would be received with satisfaction by the country. He differed from the hon. Baronet opposite (Sir George Campbell) and in common with authorities equally as great as the hon. Baronet, among whom were Sir Justin Shiel, General John Jacob, and Sir Henry Rawlinson, he (Mr. Butler-Johnstone) held opinions diametrically opposed to that of the hon. Member as to the policy of "masterly inactivity" about which they had heard so much. The subject of the advance of Russia towards India was but a small part of the Central Asian question, for there were other objects which Russia might be supposed to have in view. He was somewhat disappointed with the speech of the hon. Member for the Isle of Wight (Mr. Baillie Cochrane), which was hardly adequate to the great subject which he undertook to bring before the House. He (Mr. Butler-Johnstone) thought that the Central Asian question had to Russia a meaning quite distinct from any question connected with Constantinople, or of menacing our Indian Empire. The idea of an attack upon India was not one that would be likely to enter the head of Russia; but even if Russia could cross the Himalayas, and thus add a whole continent to her dominions, she had not a sufficient staff of educated and qualified men to govern a country the administration of whose affairs put a great strain even upon a nation like our own. It might be an advantage to Russia to be able to menace England in the East in the event of European complications; but it was for us to look well to our resources, and to see that Russia did not put upon us a pressure to which we would not submit. Nobody who knew the history of Russia could suppose she had abandoned the hope of some day obtaining Constantinople; but that was not a thing likely to happen in our time. Though Turkey was in a bad condition, she had good elements which might be backed up with effect by English influence. Turkey was certainly at any time more exposed to danger from Russia through Asia Minor than through Europe, and the pacification of the



Caucasus opened up a way to Russia in those parts. The objects of Russia in Central Asia were in a large measure commercial. The Khanates of the Oxus and the Jaxartes had entailed on her an expenditure three times greater than the revenue they yielded her. The Russians incurred that enormous outlay with a view to secure to themselves the whole of the trade of Central Asia. They would not abandon the Khanate of Khiva; they were extremely anxious to get to Bokhara, and they could not get to Bokhara without having Khiva. Why had Russia been so anxious to get to Bokhara? For the obvious reason that that was the centre and focus of all the caravan routes to the Empire of China. If Russia could bring China within the scope of her trade, the result would more than compensate any expenditure which might have been incurred to bring it about. By that means she would obtain something like a monopoly of the trade of Asia, and she would, moreover, take up a much more important position than she at present enjoyed in the trade of Europe. By every means possible Russia had been endeavouring to get into China. While we in the most brutal manner were sacking the Summer Palace—"Oh, oh!"—well, all our relations with the Chinese Empire, from the Opium War down to the sacking of the Palace were marked by a truculency of policy unprecedented in our history—Russia was intently engaged in securing advantages by means of commercial treaties with the Chinese Empire. Were he a Russian he would contemplate with pride the growth of Russian dominion and trade in Asia, but the question he had now to consider was whether the interests of England were at stake. If English goods were allowed to compete freely with Russian goods, that extension of Russian dominion would be of great advantage to this country. But Russia absolutely prohibited our goods from going into the countries over which she exercised jurisdiction. In one instance there was a duty of 40 per cent on our goods, and a duty of only 2½ per cent on Russian goods. We had grown tea in India with eminent success, and yet Russia absolutely prohibited Indian tea from coming into her markets. He held that this country, by a proper diplomacy, might exercise a greater influence at

Pekin than Russia, and he would be sorry to see "a policy of masterly inaction" carried out by England in China; and he sincerely hoped we should not come into collision with that country, as she was a very good customer of ours, and the effect of it would be to play into the hands of Russia, and to hand over a good deal of trade to Russia. The Russians were doing all they could in Japan as well as in China to show that they were the only true friends of that country, and that France and England were its enemies; and he was told that Russia had entered into an alliance offensive and defensive with Japan, so that the latter should close her ports against those countries with which Russia was at war. He would not at that late hour enter into the Indian aspect of the Central Asian Question, especially after the declaration of the Government on the subject, but would only express, in conclusion, his satisfaction at the statement which had been made by Her Majesty's Government, and to say he thought they might congratulate themselves upon the debate which had occurred upon the subject.

MR. BAILLIE COCHRANE, in reply, said, he regretted that the hon. Member (Mr. Butler-Johnstone) had considered his speech entirely inadequate to the occasion. He knew that the hon. Member was so competent to make an adequate speech on the subject that he had implored him to bring it before the House; and it was only when he declined to do so that he (Mr. Baillie Cochrane) in so inadequate a manner introduced it.

Motion, by leave, *withdrawn*.

#### PUBLIC WORKS [CONSOLIDATED FUND] BILL.

Resolution [July 5] *reported*, and *agreed to*:—  
Bill *ordered* to be brought in by Mr. RAIKES, Mr. CHANCELLOR of the EXCHEQUER, and Mr. WILLIAM HENRY SMITH.

Bill *presented*, and read the first time. [Bill 243.]

#### SOCIETY OF JESUS.

##### MOTION FOR A SELECT COMMITTEE.

MR. WHALLEY rose to move that a Select Committee be appointed—

"To inquire and report to the House as to the residence in this Country, in contravention of the Act of 10 Geo. 4, of any persons being mem-

bers of the Order of Jesus, commonly called Jesuits, and as to the names, present residence, and ostensible occupation of such persons; also as to the amount and nature of any property vested in or at the disposal of such persons for the purpose of promoting the objects of such Society or Order; and, so far as may be practicable, to inquire and report as to the doctrine, discipline, canons, laws, or usages under which such Order is constituted, and by which it is directed and controlled."

The hon. Gentleman said, he brought forward that Motion because on a late occasion the Prime Minister, in answer to a Question which he had put to the right hon. Gentleman, had stated that he was not aware of the circumstances to which he referred, and he thought it was right that some Members of the House should state what they were in order to justify the inquiry for which he asked. There was no doubt that in the Catholic Emancipation Act the residence of the Society of Jesus and similar societies was prohibited on the ground now well known all over Europe, that wherever the civil conflicted with the spiritual allegiance of their members the first was repudiated. ["No, no!"] Well, that was the prevalent belief, and it was fortified by the declaration of Cardinal Manning, whose mission and the mission of these societies was to subdue to the Church of Rome an imperial and imperious race—the people of this country. The Act of Parliament, passed in 1829, declared there should be no Jesuits or monasteries permitted in this country, yet in that year there were 447 priests, whereas now the number was 1,966—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at half after  
Twelve o'clock.

## HOUSE OF COMMONS,

Wednesday, 7th July, 1875.

MINUTES.]—PUBLIC BILLS—Ordered—*First Reading*—Traffic Regulation (Dublin) \* [244].  
*Second Reading*—Household Franchise (Counties) [20], put off.  
*Third Reading*—Artizans Dwellings (Scotland) \* [229], and passed.  
*Withdrawn*—Sale of Intoxicating Liquors on Sunday (Ireland) \* [14]; Imprisonment for Debt \* [80]; Labourers Cottages, &c. (Scotland) \* [39].

Mr. Whalley

## CRIMINAL LAW—TREATMENT OF CONVICTS—PORTLAND PRISON.

### QUESTION.

MR. O'CONNOR POWER asked the Secretary of State for the Home Department, If the assistant medical officer of Portland Prison, who was recently accused by a jury of having accelerated the death of a convict by unkind treatment is still in the service of the prison; and, if so, whether, having regard to the verdict and declaration of the jury, and the character given to the medical officer by the Commission appointed by the Home Office to inquire into the case and the nature of the duties pertaining to his office, he will be allowed to continue his services in that capacity; whether the punishment of being held in irons for six months, to which the military prisoner O'Brien was subjected at Chatham Prison was unnecessarily severe; whether the rules of the prison permit the imposition of irons for purposes of restraint only; and, whether he can give the House any assurance that the power now exercised by the prison authorities in this respect will be restricted in the future?

SIR HENRY SELWIN-IBBETSON (for Mr. ASHETON CROSS) in reply, said, that the medical officer to whom the Question particularly referred was still in the service of the prison. He (Sir Henry Selwin-Ibbetson) believed that the verdict of the jury was that the death of the convict arose from consumption, accelerated by unkind treatment. The Secretary of State thereupon issued a commission of inquiry into the matter. Having thoroughly investigated it, they reported that they did not find that Dr. Bernard had shown a want of skill or attention, or substantial kindness, either to the deceased convict or to any other inmate of the prison. They, however, found that he had displayed a certain want of tact and temper, which they characterized as brusqueness and roughness. Under those circumstances, the Secretary of State did not feel himself justified in dismissing this gentleman; but he called his particular attention to this part of the Report, and warned him against acting thus. His right hon. Friend also instructed the prison authorities to report to him any cases in which there was a recurrence of such

conduct. In respect to the other part of the hon. Gentleman's inquiry, he had to inform him that, in the opinion of the prison authorities, and in that of his right hon. Friend, the punishment of placing the prisoner in question in irons was not unnecessarily severe. According to the rules of the prison the application of irons was restricted to cases of assault and attempts to escape from prison. In the present instance, the man O'Brien, it appeared had made a hole of about a foot wide in his cell, with the evident view to his escape. The convict was thereupon ordered to be placed in irons for six months—the period fixed under the authority of the Secretary of State. His right hon. Friend, therefore, under such circumstances, did not see any cause for his interference in the matter.

#### HOUSEHOLD FRANCHISE (COUNTIES)

BILL.—[BILL 20.]

(*Mr. Trevelyan, Mr. Osborne Morgan, Sir Robert Anstruther, Mr. Lambert, Mr. Blennerhassett.*)

#### SECOND READING.

Order for Second Reading read.

MR. BRIGHT, in presenting a Petition in favour of the Bill from about 60,000 persons, members and friends of the National Agricultural Labourers' Union, said, he was told that the Petition had been signed by some persons more able to write than those who were represented by the names; but he had it on the best authority that the Petition was a genuine one, and that the names were such as were entitled to be upon a Petition to that House. He begged to present it.

Motion made and Question proposed, "That the Bill be now read a second time."—(*Mr. Trevelyan.*)

MR. SALT, in rising to move as an Amendment that the Bill be read a second time that day three months, said, he felt great regret that he had not the pleasure and advantage of hearing the observations of his hon. Friend the Member for the Border Burghs (*Mr. Trevelyan*) when he introduced this important question to the House. But he regretted it the less because the discussion of to-day partook rather of the nature of a friendly tournament for the ventilation of the subject than of a real contest which had to be decided

at once, inasmuch as, even if his hon. Friend were to succeed to-day in carrying the Motion for the second reading, the period of the Session was too late to advance the Bill to an ultimate conclusion. Not having had the advantage of hearing the observations of his hon. Friend, and not having them at hand to refer to, he (*Mr. Salt*) must fall back upon his memory to collect, as far as he could, the arguments which his hon. Friend had used in favour of this measure on a previous occasion, and, in doing so, he must be allowed to say his hon. Friend had always with great ability put forward the strong parts of his case in the most prominent manner, whilst at the same time he had concealed the weakness of his position. His hon. Friend had appealed to the House to consider that the agricultural labourer was a man in whom they must feel a deep interest and a sincere sympathy, whatever their political opinions might be. He had put forward that individual as a man who was, to a certain extent, deprived of just rights which, as a citizen of this country, he ought to possess, and who consequently failed to acquire his legitimate weight and his proper advantages in the community. He (*Mr. Salt*) was bound to say, what he had said before, that there was very much in the argument of his hon. Friend that he was prepared frankly and fully to concede. He acknowledged, that there was an anomaly in our present system. He acknowledged that the claims of the agricultural labourer seemed somewhat strengthened by the fact that a man living on one side of the line which defined a borough from a county might possess the privilege of the franchise, while a man equally intelligent, with equal interest in the welfare of this country, equally able to form a correct political opinion, was without the franchise on the other side of the line. And he would concede this third point to his hon. Friend—that, so far as the agricultural labourer was concerned, he (*Mr. Salt*) could only say that he would admit him to the franchise, not only without any fear that he would exercise the privilege with less intelligence or moderation than the borough householder, but with considerable satisfaction. But he must remind his hon. Friend that when we came to the consideration of the franchise, we



must consider a citizen of this country who possessed it, not merely as a single individual with interests concerning himself apart and separate from all others, but as one whose welfare and prosperity were bound up indissolubly with the affairs and the interests of the nation at large. And what was the claim of that man, whether we regarded him simply as an individual or as one of a great community? The arguments of his hon. Friend rather suggested that he had a claim to the franchise simply as a matter of right. Well, he (Mr. Salt) acknowledged that that individual had a right. But to what had he a right? The agricultural labourer had the same right and the same claim which every other person in this country had, whether man, woman, or child. He had a right to free government and to sound, well-ordered legislation. It seemed to him (Mr. Salt) that when we came to consider the question of the franchise and the reform of the Constitution of this country, what we had mainly to consider was, not so much the right and possession of an individual as to whether the particular measure that was proposed was one which would lead to free government and to sounder and stronger legislation. That was the view which had been held by others of far greater abilities and of much more importance than himself. There was a debate years ago upon a question somewhat kindred to that which was now raised by his hon. Friend. That was a debate with which his hon. Friend was probably familiar. It was held in the House in 1848. Upon that occasion, in reply to a Motion which was made, one of the Leaders of a great Party said—

"In my opinion, that which not only every man of full age, but the whole population of the Kingdom, have a right to is, the best government and the best kind of representation which is possible for the legislation to give them. The main object of our institutions is good government and the welfare of the people, and we ought not, for the sake of some abstract principle, to lose sight of that great object."—*[3 Hansard, xcix. 919.]*

Those were to his (Mr. Salt's) mind words of great wisdom and of sound political policy, and they were uttered by a well-known statesman—Lord John Russell—one of the Leaders of a Party to which we might apply the epithets great, historical, and extinct. We had some experience to guide us with reference to legislation resulting from a re-

form of the Constitution. He was going to tread on rather delicate ground, but he thought it was necessary we should look upon this question fairly and frankly. In the year 1867, a Reform Bill was passed with which we were all very familiar. What had been its result? The immediate result of that Reform Bill was a period of great legislative activity—a legislative activity which, perhaps, in some respects we might not see reason to regret, but it was legislation of a kind which he might call alcoholic. That fiery and stimulating legislation produced two different results in the minds of different persons—in some minds it left an unnatural craving for strong and excessive legislation, other minds it left in a state of enervated prostration. The result of that fiery legislation brought us to another period—to the great change that occurred in 1874. In that year a Government came into Office which was strong, wise, and moderate, and they said—"We have had enough of this kind of legislation, and we will pursue a different, a milder course." The consequence was, that they were now going through a course of legislation of a homely character; it was now a homely subject, and he would apply to it a homely epithet—he would call it suet-pudding legislation; it was flat, insipid, dull, but it was very wise and very wholesome; and he very much preferred the latter kind of legislation to the former. He, however, did not allude to that point either to praise his friends or to blame his opponents, but to draw the attention to this fact, that, whichever course of legislation we were subjected to by the Government, whether it was alcoholic legislation or suet-pudding legislation, we were always asked to take our legislation in enormous and excessive quantities. With reference to the alcoholic epoch, there was one occasion, which most hon. Members of the House remembered, when the legislature demurred to accept all that was presented to it by the Government of the day, and we were given a very large dose of alcohol under a Royal Warrant. And it was not so many weeks ago when it was suggested, rather in the way of comedy than of tragedy, that hon. Members should sit on the benches of the House till they had consumed every bit of suet-pudding which had been presented to their notice. What he wanted

*Mr. Salt*

to submit to his hon. Friend was the doubt he had whether the present state of affairs would be improved if we went further this moment in the direction of Reform. He was afraid the result of his hon. Friend's Bill would be that we should have our alcoholic doses and our suet-pudding put before us in larger quantities and with more violent alternations. That was one doubt he had about the wisdom of this measure. He was now going to touch upon another point which he knew he must deal with with great caution. The object of the representation of the people was clear—to obtain the best possible legislative Assembly that the country could create. Now, what had been the progress of the House since the passing of the Reform Bill of 1867? Had it improved in tone, in character, and in strength? Of course, to that question he was not going to give an answer, but he asked his hon. Friend, and likewise every other hon. Member, to consider calmly and seriously the subject for himself. And it was a question of the most grave importance when we thought of the position which the House held in the Constitution of this country. That Constitution was one composed of three Estates—the Commons, the Lords Spiritual, and the Lords Temporal, with Royalty at the head; and he presumed that some theorists would hold that if our Constitution were in an absolutely perfect condition the power of these separate bodies would be tolerably equal. Of course, we knew well enough from history that that position had never been arrived at. At one time or another some one part of the Constitution obtained large, if not predominant, power, and at this moment the part of the Constitution which held legislative power; and whose power was likely to increase rather than diminish, was the House of Commons. Therefore it was of the highest consequence, as he said just now, that the Assembly should be great in its character, strong, weighty, yet moderate in its force, and wise in the use of it. That House, in his opinion, ought to manifest the very best elements of the English people—their quiet and deep courage, their strong common sense, their love of order, and, perhaps above all, their obedience to the law. During the last few years he had watched the progress of change in

that House with great care and anxiety, lest it should fall away from the high character it ought to possess, and looking back to the events of this Session, which were fresh in the memories of all, and to which he would make but a passing allusion, he could not refrain from expressing his deep regret that so much valuable time had been wasted on questions of trumpery Privilege which were likely not only to damage to a certain extent the character of those concerned, but also the character and position of the House. He doubted under these circumstances whether it was wise to pass this measure at the present time, lest the House in any way should lose that high tone and character it had so long possessed as representing the best feelings of the English people. Leaving that view of the question, he must say he had noticed that in autumn certain hon. Members were liable to a disease—a sort of choleraic eloquence—and some autumns were particularly unhealthy. Some hon. Members made orations at a distance from their constituents, and these were not confidences and friendly quiet communications between a Member and those persons who returned him to Parliament, but they might be termed manifestoes to the world at large. One of the Leaders of the Liberal party, who, he was sorry to say, was not at that moment in the House, in the autumn of 1874 made such a speech as he (Mr. Salt) had referred to, in which, mentioning this Bill, he said he could not conceive anything more dangerous than the Counties Franchise Bill passed by Mr. Disraeli—that it was a measure which belonged to the Liberal Party, but that if it should come into the hands of the Conservatives it would be a most dangerous measure for Liberals to advocate. He (Mr. Salt) had puzzled over these words, and there was a great deal in them he could not understand. Why should it be more dangerous for the right hon. Gentleman the Member for Buckinghamshire to pass a County Franchise Bill than it would be for the right hon. Gentleman the Member for the City of London? He had been led to consider the relative position of these two right hon. Members; one was a Prime Minister in *esse*, and the other a Prime Minister in *potestate*; one represented an agricultural county, and



the other a portion of the most populous place in the world; one had distinguished himself by passing a great Reform Bill, and the other had distinguished himself by sea and by land in organizing the Navy and in endeavouring to improve local administration, but he had had nothing to do with Reform Bills. One lived among agriculturists, and occasionally made addresses to them; the other had, perhaps, never seen an agricultural labourer except through the windows of a first-class railway carriage. Therefore, he was unable to understand why it was so dangerous for one right hon. Gentleman to pass a County Franchise Bill, while it was not so dangerous for the other to do so. The only meaning he could attach to the words was one which could not have presented itself to the mind of his right hon. Friend; and it was that the Bill was to be regarded in a political sense as affecting the interests and the balance of parties, and not as one to be passed solely and entirely for the benefit of the country at large. It was true it might be a Party question, and it must be a Party question; but it ought to be a race between the two Parties as to which should do the best for the country, and not of rivalry as to which should gain some mean advantage. These words, coming from his right hon. Friend, did make him anxious, but he probably did not feel the full force and effect of them. That, however, suggested another argument for pausing before they gave a second reading to the Bill. The real gist of the Bill was not so much what was contained in its few clauses as what lay behind them. It had been avowed over and over again that it was impossible to stop at that measure, and that there were beyond changes probably larger and more serious than the hon. Gentleman would wish to propose. If we were to have immediate legislation, it seemed to him of the utmost consequence that we should understand clearly and distinctly what lay behind it. The measures which were suggested as likely to follow were—re-distribution of seats, triennial Parliaments, payment of Members, and electoral districts. With regard to the former, there had been presented from Stafford, the borough which he represented, a Petition in favour of re-distribution of seats; but he was not prepared on the part of those

he represented to sacrifice a privilege which was dearly prized by them, which was well exercised, and which for centuries had been well exercised, without being satisfied that there was some great national and constitutional reason for the proposed change. The second suggestion—that of triennial Parliaments—had been conclusively disposed of for this Session; while as to the third, if the payment of Members or of their election expenses was seriously raised, he should have something to say; but he thought the experience of other countries, of which he had ample evidence, was not such as to lead us to adopt the practice here. As to electoral districts, we had some singularly clear and satisfactory evidence. Stroud was an electoral district, and a good sample of one; it was partly town and partly country; it was exactly the sort of constituency we should have—perhaps better than we should have—with electoral districts. Stroud, as a constituency, was not homogeneous. Its people were divided in character and in interest, and the result had been that in 1874 there were four Parliamentary contests and four Parliamentary Petitions. It would be very disastrous if the whole country were divided into constituencies similar in character and in misfortune to that of Stroud. As he had said, he had no fear or jealousy of the agricultural labourer, and if he were enfranchised should welcome him as an elector with the greatest satisfaction. But, seeing that a Reform Bill of great importance was passed only recently, he thought it was inopportune to agitate the country and disturb the House at present. We had much better leave these things alone for a time, and let the country settle down and ascertain the feeling of constituencies. From the curious state of political parties, the country had evidently not yet settled down since the passing of the last Reform Bill, and the time was therefore inopportune for any further change in that direction. Another question of some importance was, whether we should reduce our electoral system to the dead level of one uniform franchise? The probable results of such a change were extremely difficult to ascertain. The step would be contrary to the principles of representation which had guided us in years past, and he was not prepared to adopt so serious a change without much



further consideration and discussion. That Bill was only a step to further innovations, the character and results of which it was impossible to ascertain, and neither his hon. Friend nor anybody else submitted them for the consideration of the House and of the country. Upon these grounds, but with some reluctance, he opposed the Bill, and begged to move its rejection.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Salt.*)

**MR. W. E. FORSTER:** The House, Sir, has so often allowed me to express my opinion on this subject that I would not do so now if I did not think the time had come when on both sides we ought seriously to consider what I may call the Parliamentary position of this question. It is no longer a question on which there is any real disagreement of opinion as regards its merits. My hon. Friend the Member for Stafford (*Mr. Salt*), in his very candid and able speech, began by acknowledging the fitness of county householders for the franchise; and the question of the assimilation of the county and the borough franchise has been for some time decided on its merits, and is now merely a question of time. If there was any doubt before last year, there can be no doubt in the mind of any man who heard or read the debate of last year; and there can be little doubt in the mind of anyone who heard the arguments of the hon. Member who opposes the Motion. If there was any doubt last year, it was set at rest by the remarks of the Prime Minister in opposing the Motion of the hon. Member for the Border Burghs. The right hon. Gentleman told us there were 1,000,000 county householders who had exactly the same claim to the franchise as those of the towns, except that by accident they lived outside the boundaries of the towns, and who would be enfranchised by this Bill; and the *onus probandi* rests on those who say they should not be allowed to have it. I agree that in these matters we cannot entirely govern our decisions by what may be called the abstract right of every Englishman to have a vote. I am still of opinion, without debating that right, that we shall arrive at the best attainable government at present, and for some time, by restricting the

franchise to householders, and retaining what is called a hearthstone suffrage, instead of giving a vote to every man. In the present state of society it is better to confine the franchise to men who are heads of families and have a stake in the country. At any rate, this 1,000,000 men who have hearthstones outside the boroughs have a right to ask us for a good reason why they are not treated in the same way as owners of hearthstones within the boroughs. What was the answer of the Prime Minister last year? It would be impossible for me or the hon. Member for the Border Burghs to put the case stronger. The right hon. Gentleman said—

"I have no doubt that the rated householder in the county is just as competent to exercise the franchise with advantage to the country as the rated householder in the towns. I have not the slightest doubt whatever that he possesses all those virtues which generally characterize the British people, and I have as little doubt that if he possessed the franchise he would exercise it with the same prudence and the same benefit to the community as the rated householder in the town."—[3 *Hansard*, ccxix. 251.]

The right hon. Gentleman, in that statement, only confirmed statements previously made; and it shows that he now looks upon the assimilation of the county and the borough franchise in the same manner as he looked upon the borough franchise before he passed his Reform Bill, by which he lowered and extended the franchise in boroughs. My hon. Friend, in moving the rejection of this measure, made some remarks, though with bated breath, about keeping up different franchises, but he did not dwell much upon that point, and I am not surprised he did not, considering how the Leader of his Party is pledged to the contrary principle. One advantage of the Prime Minister being so pledged is that we hear little of the argument—which I myself think almost insulting—that the basis of the county franchise is property, and that of the borough franchise numbers; as much as to say that in towns we allow human beings to be represented, and in the counties bricks and mortar and clods of earth. For the disappearance of that argument from the discussion we have to thank the Prime Minister. In one way it is satisfactory there should be this acknowledgment of the claims of the county householder, because it shows that both sides of the House are convinced of the just-

nesday afternoon was more uselessly spent than this was in discussing this unpractical measure. Next, he thought the House had some right to complain, because this matter was again brought forward as an annual Motion, notwithstanding that last year it was rejected in a new Parliament by a large majority. Then, he thought it was not consistent with the dignity of the House, or the best interests of the day, to be agitating organic changes in the settlement of 1867; and if organic changes were to be made, it was incumbent on those who advocated them to display more consciousness of the great consequences involved than was evinced by the provisions of a Bill which might be described as an ill-considered Reform Bill. He would not oppose an abstract declaration that many who did not possess the franchise were entitled to it, but a question of such magnitude could not be disposed of in this way. No one ought to support it who did not take a statesmanlike view of the consequences of reading it a second time. It would then become a Government measure, and stop the way of useful legislation. It was no longer a question of mere personal fitness. No one now contended that the householder in counties was not as fit to exercise the franchise as the householder in towns. If industrious habits and self-denial were the sole test of the franchise, it would be preposterous for any hon. Member from Northumberland—representing as he did a population possessing these qualifications—to refuse to give them a share of that power which had been handed over, he was sorry to say, to thousands of illiterate and ignorant voters in towns. The main objection put forward by the advocates of the measure was, that the Reform Act of 1867 had made matters very much worse as regarded the comparison between county and borough voters by having created an inequality that did not before exist, and by having given rise to much consequent dissatisfaction and discontent. It was, therefore, contended, that Parliament ought to give votes to every rated householder in order that he might not feel in the position of a political nullity by the side of his neighbour. He would challenge that argument. It was based on the fallacy that the franchise was a personal privilege, and that the suffrage was to be given throughout

the country, not so much for the purpose of securing good government as to please a large number of persons by giving them votes, and placing them in possession of full citizenship. Some, like the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), went still further, and declared that the franchise was a natural right, and that, unless the voter was unfit, he must have the franchise. If, however, as he contended, the suffrage existed for the purpose of securing a good House of Commons, which represented not merely the numbers, but the interests of the whole country, then he was prepared to deny the anomaly. It was of the very essence of representation that it should be local and not personal—various and not uniform. If hon. Members held this constitutional doctrine, there could be no anomaly that could not be justified in giving a vote to one man and not to another who lived on the opposite side of the boundary. If there was no anomaly, there was no injustice. If, however, hon. Members admitted the personal theory of the suffrage, they most materially strengthened the claim to the franchise of all those who were householders, and thus made it three times more difficult to resist those further democratic concessions which were sure to be demanded within a short period of time. But he denied that there was any ground of anomaly, or any reason for allowing the principle of the Bill. If the principle of the Bill were not to be conceded on any ground of anomaly, the matter then became entirely one of policy or expediency, and the question which the House had to consider was whether it was expedient to maintain the distinction between the borough and county franchise—a distinction which had grown with the growth of our Constitution. To put it in another way, he would ask whether uniformity of the franchise was so desirable a thing that, for its own sake, it was expedient to take a leap in the dark? It was assumed that the Act of 1867 had proved a success, or that, at all events, it had not proved so disastrous as some of its opponents had feared. He maintained that the House of Commons fairly represented the feelings and sentiments of the whole nation; it was the part of reasonable men to try and employ that efficient instrument of Government which the country now pos-

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Franchise Bill; and therefore the Government which rests upon the support of farmers and of hon. Members returned is supposed to find its interest in opposing the measure. If this be true, it is an unsatisfactory answer to the men whom the farmers employ—to the million of men who are excluded from the franchise. The Members for the small boroughs are supposed to be afraid of this measure, and my hon. Friend the Member for Stafford admitted as much at the close of his speech. For fear of re-distribution the Members for the small boroughs will keep the county householders out of the franchise indefinitely. The longer, however, it is put off the worse it will be for the small boroughs. A very moderate arrangement may be made now; but the repetition against this Bill of many such speeches as were made by the Prime Minister last year will make a moderate arrangement all the more difficult. I concur in the opinion of the hon. Member that this is a question infinitely too important to be decided by considerations of Party interest. For anything I know we may be making a bad Party move in advocating a measure which farmers and small boroughs dislike; for anything I know, a good many agricultural labourers may vote against us; but of all considerations which should influence public men I think that of the immediate Party effect of a measure is the one we ought to entertain least. I think honesty is the best policy in this as in many matters, and that Party will gain in the long run which earnestly advocates a good measure. We may be told there is not much agitation or pressure for this measure. Well, in answer to that, I do not know that the people who have votes care so much for it as they ought; but we have no reason to suppose that those who have not votes do not care. The series of meetings of agricultural labourers, which are most interesting meetings, show us a new class taking part in public affairs with great moderation and earnestness, and avowing that injustice will be done them if a settlement of the question is longer postponed; and the Petition presented to-day, signed by 60,000 labourers, is not a Petition to be lightly treated. What do hon. Members wish? Do they desire a repetition of the agitation which preceded the measures of 1830 and 1867? The time

has gone by when the House has to wait for agitation, or thinks it necessary for Park palings to be pulled down, especially when we know that the palings in this case would not be Hyde Park palings. One of the greatest arguments in favour of this measure is, that the class most deeply concerned advocate this change with so much moderation and so completely within constitutional limits. The Parliamentary position of the question ought to be calmly considered. Here are 1,000,000 householders who have not votes simply by reason of the accident that they live outside the boundary of the boroughs, some hundreds of thousands of these excluded householders being agricultural labourers, a class which we acknowledge to have claims, and a class which is not represented in this House. These men have patiently, persistently, and earnestly for years claimed that they should be treated in the same manner as urban householders. Hardly a Member of this House, or any public man out of it, or any writer of the Press, denies the justice of their claim; there is, in fact, no disagreement of opinion. No one doubts they ought to be voters. The demand made from these benches is met by the answer—“We agree with you, only let us pass this measure at our convenience.” This answer does not satisfy these men, nor ought it to do so; for these men who have no votes believe, and reasonably believe, that their interests are being neglected, as compared with other men who have votes. Is it not, therefore, for this House to consider how long it can persevere with prudence and dignity, in a policy which would be absurd if it were not dangerous—namely, the policy of excluding from the Constitution this million of our fellow-subjects, and treating their Petition for admission within its pale with indifference, if not with contemptuous indifference, while we vie one with another in acknowledging the justice of their claim.

MR. RIDLEY, who had also a Notice on the Paper for the rejection of the Bill, said, he opposed it not on Previous Question grounds, but on grounds which went to the root and principle of the matter. Before, however, referring to the principle of the measure, he had some preliminary objections to make. In the first place, he doubted whether any Wed-



nesday afternoon was more uselessly spent than this was in discussing this unpractical measure. Next, he thought the House had some right to complain, because this matter was again brought forward as an annual Motion, notwithstanding that last year it was rejected in a new Parliament by a large majority. Then, he thought it was not consistent with the dignity of the House, or the best interests of the day, to be agitating organic changes in the settlement of 1867; and if organic changes were to be made, it was incumbent on those who advocated them to display more consciousness of the great consequences involved than was evinced by the provisions of a Bill which might be described as an ill-considered Reform Bill. He would not oppose an abstract declaration that many who did not possess the franchise were entitled to it, but a question of such magnitude could not be disposed of in this way. No one ought to support it who did not take a statesmanlike view of the consequences of reading it a second time. It would then become a Government measure, and stop the way of useful legislation. It was no longer a question of mere personal fitness. No one now contended that the householder in counties was not as fit to exercise the franchise as the householder in towns. If industrious habits and self-denial were the sole test of the franchise, it would be preposterous for any hon. Member from Northumberland—representing as he did a population possessing these qualifications—to refuse to give them a share of that power which had been handed over, he was sorry to say, to thousands of illiterate and ignorant voters in towns. The main objection put forward by the advocates of the measure was, that the Reform Act of 1867 had made matters very much worse as regarded the comparison between county and borough voters by having created an inequality that did not before exist, and by having given rise to much consequent dissatisfaction and discontent. It was, therefore, contended, that Parliament ought to give votes to every rated householder in order that he might not feel in the position of a political nullity by the side of his neighbour. He would challenge that argument. It was based on the fallacy that the franchise was a personal privilege, and that the suffrage was to be given throughout

the country, not so much for the purpose of securing good government as to please a large number of persons by giving them votes, and placing them in possession of full citizenship. Some, like the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), went still further, and declared that the franchise was a natural right, and that, unless the voter was unfit, he must have the franchise. If, however, as he contended, the suffrage existed for the purpose of securing a good House of Commons, which represented not merely the numbers, but the interests of the whole country, then he was prepared to deny the anomaly. It was of the very essence of representation that it should be local and not personal—various and not uniform. If hon. Members held this constitutional doctrine, there could be no anomaly that could not be justified in giving a vote to one man and not to another who lived on the opposite side of the boundary. If there was no anomaly, there was no injustice. If, however, hon. Members admitted the personal theory of the suffrage, they most materially strengthened the claim to the franchise of all those who were householders, and thus made it three times more difficult to resist those further democratic concessions which were sure to be demanded within a short period of time. But he denied that there was any ground of anomaly, or any reason for allowing the principle of the Bill. If the principle of the Bill were not to be conceded on any ground of anomaly, the matter then became entirely one of policy or expediency, and the question which the House had to consider was whether it was expedient to maintain the distinction between the borough and county franchise—a distinction which had grown with the growth of our Constitution. To put it in another way, he would ask whether uniformity of the franchise was so desirable a thing that, for its own sake, it was expedient to take a leap in the dark? It was assumed that the Act of 1867 had proved a success, or that, at all events, it had not proved so disastrous as some of its opponents had feared. He maintained that the House of Commons fairly represented the feelings and sentiments of the whole nation; it was the part of reasonable men to try and employ that efficient instrument of Government which the country now pos-

assessed. At all events, he protested against a change which could not stop at the mere admission of large numbers of voters to the electoral body, but which must involve very large consequences in the immediate future, and greater changes than were effected by the Reform Bill of 1867. There had always existed a distinction between the borough and county franchise. He would not insist upon the antiquity of that distinction, because in the opinion of some hon. Members opposite that might be an argument why it should be attacked. It had, however, conduced to that variety in our constituencies and our representatives which had been an important element in the Constitution. The tendency of the present Bill, on the other hand, was to reduce the existing variety in our representative institutions, and to bring things to one level, thereby impairing, instead of improving, the constitution of that House. From the tendency of modern legislation the representation seemed likely to be divided between large county divisions and big towns. There had been of late a considerable encroachment on the counties by the town element. He did not wish them to be regarded as antagonistic, but the natural consequence was to take away the influence of the 40s. freeholders in the counties. This Bill would destroy the representation of a great number of the centres of industry, and was extremely well adapted to create a number of large and unwieldy constituencies, and the return to Parliament of men either of enormous wealth or prone to lend themselves to all the popular opinions of the day. It was all very well to talk of the arbitrary lines dividing boroughs and counties, but they had, at all events, lasted for a long time, and had come to be connected with historical associations, and thus possessed a living reality in the minds of men. It was, therefore, extremely unwise and unnecessary to destroy the individuality of these boundaries. In the smaller boroughs the inhabitants not only resided together, but were engaged for the most part in the same pursuits. They had, therefore, better means of exercising influence and forming a sound public opinion than a more scattered population, and he thought it unwise to proceed further in the direction of disfranchising centres of industry which

might not come up to a certain standard of population. Every organic change rendered it much more difficult and dangerous to resist further concessions. In 1867 only two or three voices were raised in prophecy that fresh demands would probably be made for the extension of the franchise. One of these voices was that of the right hon. Gentleman the Member for Birmingham (Mr. Bright); but even the Party to which he belonged did not suppose that within five or six years of a settlement which it was thought would last for a generation an agitation would be raised for a measure like the present. If a thing were just and right, by all means do it and have no fear of the consequences. He maintained, however, that this was not a question of right or justice, but of policy and expediency, and it was only reasonable that the House should review the position in which it would be placed in regard to further demands of a similar kind on future occasions. Another argument was that the agricultural labourer was an element that ought to be introduced into the Constitution. The hon. Member for the Border Burghs (Mr. Trevelyan) admitted that the question was not altogether the admission of the agricultural labourer, because it was more and more assuming the character of the admission of town districts into the county constituencies. Outside the House, however, that Bill was viewed as a measure for enfranchising the agricultural labourer, and that was the opinion of the meetings presided over by Mr. Arch. With regard to the argument that the Bill would introduce a very desirable Conservative element whenever the questions of the Established Church and the land came up for settlement, it was, he thought, based on a mistake, and confounded representation with the franchise. It was possible to give them votes without giving them representation. There were at the present moment boroughs in the position of agricultural boroughs which did not represent agricultural interests; and he maintained that the passing of the Bill would not to any very considerable extent enfranchise the agricultural labourers. Certainly that would be the effect of the Bill with regard to the Northumbrian peasantry, because of the system of hire and housing which prevailed in that county. Those persons would either be



kept out of voting altogether, or they would vote in such a minority that their voices would not be heard. He maintained that the Bill would not in this sense enfranchise the agricultural labourer, and certainly not in his own county, because, in the first place, it would not to any considerable extent give them votes; and, secondly, because they would be swamped by voters of another description. Another argument was based on the supposition that the franchise offered the best means of educating the labourers in counties. The hon. Member for the Border Burghs said that public instruction followed fast on the suffrage. No doubt, the feeling of responsibility that ought to attend the exercise of the franchise might add somewhat to the character, as it also gave a certain status to the man who exercised it. But the House must take care that the influence already given was not taken away by the large influx of new voters. In 1867 they had given cause to the old voters to complain of the diminution of the electoral power they possessed. Had there not been evinced in some of the new constituencies a marked decrease of political discrimination, and had there been no instances even of electoral ignorance and incapacity? He objected to this Bill, not only as to the time and occasion on which it was introduced, but also because of its principles and circumstances. The country did not want a Reform Bill; and if it did, this was not the Reform Bill it would want. For these reasons he should support the Amendment most cordially, and he trusted that the House would endorse it by a large majority.

Mn. FAWCETT said, that if this were really, as it had too frequently been considered and treated, a measure to enfranchise agricultural labourers, or that such at least would be one of its important consequences, there would be presumption on his part, as a metropolitan Member, to rise so early in the debate; but it had been shown by the Prime Minister among others, on a former occasion, that the majority of the persons enfranchised by the Bill would not be agricultural labourers, but artisans exactly analogous to those town workmen who already possessed the franchise. Every year in which this Bill did not pass would increase the injustice complained of, because the natural tendency

of the population in these districts was towards an increase, and new manufacturing villages were arising all over the country. In Yorkshire there were five boroughs with an average population of less than 6,000, and in each of these boroughs, which were neither thriving nor prosperous, every householder had a vote. Scattered over the same county, at the same time, were a great number of manufacturing villages, or "towns," as they would be called in the South, with an average population of more than 20,000 intelligent, independent, and industrious inhabitants, everyone of whom laboured under a sense of injustice and inequality, because they knew that, although deprived of the franchise, they would obtain it if they went to live in any of the small boroughs near them. He would put another case, which was distinctly felt in the constituency that he represented. Hon. Members on both sides would agree that nothing showed more conclusively a man's care and thrift than his anxiety to take his wife and children to some healthy place in the country, where those children could be reared with the greatest possible advantage. If a man, who had for years lived in one of our metropolitan boroughs, and having a delicate wife and children, made great sacrifices to give them the benefit of fresh air, taking them to some such place as the Shaftesbury Park Estate, or elsewhere in the country, he would find himself as entirely disfranchised as if he belonged to the criminal or the pauper population. Having said thus much, he was perfectly prepared to go as far as the hon. Members for Stafford (Mr. Salt) and North Northumberland (Mr. Ridley), in not resting his support to this Bill on any ground of abstract right. He wished, in the most distinct way possible, to state that he did not consider that any individual in a community had an inalienable right to the suffrage, or that it should be conferred on any class if it would not be for the benefit of the whole community. On the other hand he maintained that the exclusion of any body of their countrymen from the suffrage was an evil and not a good in itself, and that those who advocated such an exclusion were bound to prove that there was some advantage associated with it. The hon. Members for Stafford and North Northumberland had asserted that the object of all en-

*Mr. Ridley*



franchising measures was to improve the legislative machinery. That was no doubt to a certain extent true, but it was only a partial truth. If enfranchisement was associated with deterioration in the efficiency of the legislative machine, then undoubtedly they ought to pause before passing such an enfranchising measure. But he ventured emphatically to assert that the object of enfranchisement was not simply and solely to improve the legislative machine. If they did not in the slightest degree alter the personal character of that House by a great measure of enfranchisement, he, for one, should maintain that that measure was desirable and beneficial, because, although the personal character of the House of Commons might not be altered, everything which we cherished would rest on a surer and safer basis if we interested as many people as possible directly in the good government of the country. But in looking at this subject, not as one of abstract right, they had to consider what would be the probable effect of such an enfranchisement as this Bill proposed. In this case, as in all others, a little experience was worth a great deal of theory, and they had conclusive experience to guide them in this matter. He supported the Bill, therefore, for this among other reasons—that of the 1,000,000 of labourers who would come under its operation, it enfranchised 600,000 persons of the same character, pursuits, and manner of life, as those who already possessed the right to vote under the great Reform Bill of 1867. Now, if that Reform Bill had been a failure, if it had produced mischief in the country, whatever might be the abstract rights in favour of extending the suffrage, he for one would say—“Even if we cannot retrace our steps, let us be warned by the past, and not assent to further disaster or further failure.” But could anyone pretend to say that the Reform Bill of 1867 had been either a disaster or a failure? Would not the legislation of the last eight years compare favourably with that of any previous eight years in our history? The hon. Member for Stafford had said that since the present Government came into office their legislation had been judicious, wise, and prudent. If that could be said of a Government, of whom could it also be said? Why, of the majority who placed that Government in office. It

was not the Government that possessed those qualities. They simply represented the majority who gave them political power and continued them in their present position. Therefore, according to the hon. Gentleman's own showing, on the most recent occasion, the new electors had exercised their powers with wisdom, judgment, and prudence. Now and then something slighting might be said about “the residuum,” or some constituency might be pointed to in which a certain number of votes had been sold for glasses of beer; or, as had been stated by the hon. Member for North Northumberland, in which a popular delusion happened to obtain a triumph at the poll. But if there was a popular delusion in this country, it was infinitely better that it should obtain expression in that House. Nothing had been so fatal to popular delusions as giving their advocates an opportunity of stating them in that Assembly. Look back into the history of 1847. Violent political views had been advocated for many years. The great advocate of those views was returned to that House, and what was the result? Those views were expounded, they were met, and from that moment they had almost ceased to exist. But admitting all those drawbacks and slighting things said about the new constituencies, if they turned from these mere accidental incidents and viewed the subject in its broad aspect, was there any hon. Member upon the other side of the House who was prepared to rise to say he thought it was a misfortune that the enfranchising measure of 1867 was passed, and that he would desire the House to retrace its steps? Had not the Parliaments which had been elected under household suffrage been as loyal to the Crown and the institutions of the country as any which had preceded them? Had they not proved themselves just as careful and anxious for our national honour and renown? Had subversive or revolutionary doctrines been predominant since the new electors gained political power? All this was refuted by what they observed at the present moment in the House of Commons. The electors, including the new electors, had placed in power a stronger Conservative Government than had been in power for the previous quarter of a century. From the point of view of experience, there-

fore, nothing whatever had happened since the town householders were enfranchised in 1867 to make them pause in enfranchising the small class who lived in towns, but not in Parliamentary boroughs. And now with regard to the agricultural labourer. The hon. Member for North Northumberland—somewhat unconsciously as it seemed—advanced the strongest argument that had yet been urged in this debate in support of admitting the agricultural labourer to the franchise. He said that we did not want any personal representation. We did not want one dead, uniform level, but all classes, feelings, opinions, and ideas represented in that House. Why, that was the reason why he (Mr. Fawcett) thought so great a class as those who ministered to the most important of all our industries should no longer be excluded from political representation. Two years ago the then Prime Minister supported this Bill, and particularly on the ground that he thought the agricultural labourers ought to be enfranchised. Not one of the right hon. Gentleman's Colleagues on that occasion objected to the support which he promised to give to the proposal; and, of course, the right hon. Gentleman gave his support, not as a private Member, but as the Prime Minister of England. In 1874, moreover, this Bill was supported by 175 Members of that House. These facts alone seemed to him to afford conclusive justification for the hon. Member for the Border Burghs (Mr. Trevelyan) persevering in this measure. But there was another and perhaps far more important justification, and that was that every argument which had been urged in favour of enfranchising the agricultural labourers two years since—nay, even one year since—had gathered strength since that time. It had been remarked again and again that the agricultural labourers were going to surrender all the advantages which some people supposed were associated with guardianship and protection; that they were going to be independent, and that the relations between them and their employers would be exactly analogous to those which prevailed in other branches of industry. Well, if that was the case—if the period of guardianship and protection had ceased, and if they were going to be like the labourers in any other branch of in-

dustry, why should they be the only important class of labourers in this country who had not political power? But he would bring forward a specific fact that had happened since this Bill was last discussed, which he thought would convince the House that in the new state of things and under this change of relations, it was absolutely impossible any longer to withhold the suffrage from the agricultural labourers. In the autumn there was an election in the county in which he resided the greater part of the year, which he ventured to think was one of the most important that had been fought in England for many years. A Conservative, well known and highly respected, was introduced to that constituency, and it was stated at the time that he had the support of the Prime Minister, and it was perfectly well known that he had the confidence of the Conservative Party generally. That Gentleman would, under ordinary circumstances, have been returned by a triumphant majority. But what took place? The farmers took the matter into their own hands, they cast the recommendation of the Prime Minister contemptuously aside, they forgot the great service which had been rendered to the Conservative Party by the candidate who was selected in the landed interest, and they said—"We are determined to return as our Representative a gentleman who has espoused our cause in the dispute with our labourers, and who has assisted us in winning a great triumph over our labourers in that dispute." The Conservative candidate, in his retiring address, said—"It is evident that this election is not a political one. The farmers in large numbers are determined to support the candidate who espoused their cause in a dispute with a large class who did not possess the political franchise." Now, could there be anything more unfair than that if one party to a dispute should think it of the first importance that they should have political Representatives in that House, the other party to it should be left in such a position that they had no chance of obtaining political representation, even if they should show a desire to obtain it? To carry the illustration one point further, he wished to show the peculiar wrong done to the labourers, and the mischief inflicted on the country by our present system. The hon. Mem-

ber who was thus selected by the farmers because he had assisted them in obtaining a triumph over their labourers stated the other night that the labourers objected to compulsory education. Could there be anything more ludicrous and absurd than that the hon. Member who was elected to a seat in that House because he had assisted the farmers to gain a triumph over the labourers should come forward and say in their name that they did not want this and did not want that? On this point, he (Mr. Fawcett) ventured most emphatically to contradict the assertion of the hon. Member. Within the last few hours he had the opportunity of conversing with the esteemed and trusted leader of the agricultural labourers, and he put to him this question—"Suppose you had been in the House when it was asserted by the hon. Member for Cambridgeshire that the agricultural labourers were opposed to education, what would you have said?" The reply was—"I should have got up at once and stated in the most explicit and distinct manner that the vast majority of the agricultural labourers were in favour of compulsory education, and would cordially and gratefully welcome any measure having that object in view." The agricultural labourers had themselves supplied one of the strongest arguments that could be advanced in favour of their enfranchisement. Five years ago he was told that they were going to enter into a great industrial contest, and when he remembered how their children had been neglected, he, for one, feared that many violent opinions would be expressed, and many unwise things done; but he unhesitatingly asserted that in the industrial history of this country no trade dispute had ever been conducted with so much moderation, judgment, and forbearance as had been shown between the agricultural labourers and their employers. There had been no ratten- ing, no picketing, no breach of the peace, no resort to violence, but the labourers had shown a shrewd sense, and had got hold of the secret of what was required to improve their condition—namely, migration and emigration. If they had been the most carefully trained economists they could not have acted with greater wisdom, caution, and judgment than they had done. Before he concluded, he wished to say that he entirely

agreed with those who maintained that sooner or later the Bill which they were considering must be associated with a measure for the re-distribution of seats. Last year a remark was made to the effect that, if this Bill were accompanied by a measure for the re-distribution of seats, that measure must be based on some gigantic proposal for equal electoral districts, which would disfranchise every borough with less than 40,000 population; but there was not the slightest reason why that should be the case. He did not want to see simple uniformity, but variety in the representation in that House, and he believed that equal electoral districts would not conduce to secure that variety. If the House admitted the right and justice of this measure of enfranchisement, how could they hesitate to push it forward? Why was this not a convenient time? Was it because this was a period of peace and repose? Could there be anything more contrary to the ideas of true Conservatism than that they would not peacefully grant that which was calmly asked and temperately demanded, but would wait for those troublous times when, perhaps, what they could now grant with reason and justice would then have to be conceded in order to calm discontent and allay apprehension?

Mr. RODWELL said, after the very pointed allusion which the hon. Member for Hackney (Mr. Fawcett) had made to him, he felt it due to those who had sent him to that House to state that the hon. Gentleman had spoken with a total misunderstanding as to the facts. He had been represented by the hon. Member as the mere Representative in this House of a class. He denied it altogether. He was no more the Representative of a class than the hon. Member himself. He utterly denied that it was in consequence of his having fought the battle of the farmers against the labourers that he had been returned to Parliament. He claimed to be as much the friend of the labourer as of the tenant farmer, and if the hon. Member would take the trouble to seek for information, he would find that at the outset of the struggle he was put aside by the farmers; and so far from having fought the battle of the farmers against the labourers, he took to himself credit for having acted as mediator between the two. He would appeal to the hon. Member for Bristol



(Mr. Hodgson), whose advice he had, whether anything ever fell from him in public or in private which did not tend to heal the wound which had been opened by the conduct of the delegates? He was himself actually hooted down by the farmers at one meeting on the ground that he was "too milk-and-water" for them. He never abused the labourers; but he did condemn the agitators, who used arguments which were condemned by hon. Gentlemen on the other side of the House as well as by himself. During the whole of his canvass the question of labour was never raised, and he did not raise it, because he wished it should be put at rest. When the hon. Gentleman said that he had been taken up by the farmers against the nominee of the Government, he must remark that it was new to him to hear that any Government would presume to interfere between the right of the people of Cambridgeshire to choose their Representative and himself. Therefore, he would like to know on whose authority the hon. Member stated that he came forward to oppose the nominee of the Government? He did not believe that the Government ever did interfere. The hon. Member had also said of him that he was brought forward by the tenant farmers in opposition to the landed interest; but he should like to know who the landed interest were at that moment who objected to him as Representative of Cambridgeshire? The hon. Member's facts were not correct, and therefore the argument he founded upon them fell to the ground. Then the hon. Gentleman stated that he (Mr. Rodwell) had said something the other night contrary to the fact, as to the feelings of the agricultural labourers on the subject of compulsory education. Now, the hon. Member had not the same opportunity of knowing the feelings of that class as he had. What he said the other day was, that the labourers were anxious for education, but that the temptation was too great, and he hoped that something would be done which would enable them to avail themselves of its benefits. What he tried to do was to remove the imputation that the labourers were opposed to education.

Mr. ANDERSON said, he had no wish to enter into the personal matter which the House had just heard discussed. He would rather direct his

attention to the remarks of the hon. Member for North Northumberland (Mr. Ridley), whose argument was the constitutional one—namely, that the franchise was not given as an abstract right, but merely as a matter of policy in order to secure good government. He would like to ask that hon. Member, and all who agreed with him in that view, who was to be the judge of what was good government? He (Mr. Anderson) maintained that an intelligent artizan, or even an agricultural labourer, had just as good a right to form an opinion as to what was good government as had any hon. Member in this House. The hon. Member also said that that House fairly represented all classes of the community. Now, how could it be said that the agricultural labourers were fairly represented by the nominees of the farmers and the landed proprietors? They knew quite well that the agricultural labourers had been very often of late in hostility to the farmers, and yet they were asked to be content with being represented by the nominees of those farmers. But further, he did not agree with the remark of the hon. Member for Hackney (Mr. Fawcett) on this subject. He thought the right to the franchise was an abstract right, and before they withheld that abstract right from any man in the community, the majority were bound to show that to extend it to those whom it was proposed by the Bill to enfranchise would be productive of some injury to the community at large. He thought the majority had a right to decide on a matter of that kind; but it was a question of withholding a right, and not of extending a privilege. The hon. Member for North Northumberland also laid stress upon the importance of maintaining the distinction between the borough and the county franchise. Now, he (Mr. Anderson) saw no ground whatever for maintaining any distinction either between the voters in counties and those in boroughs, or between the Representatives of counties and boroughs. The right hon. Gentleman the Member for Bradford (Mr. Forster) thought it very hard that the agricultural labourer should be deprived of the franchise; but there was another very large class for whom he (Mr. Anderson) would plead—namely, those in the neighbourhood of large industrial centres, yet not included within any burgh. For instance,

*Mr. Rodwell*

he would take Glasgow. The Parliamentary boundary of Glasgow did not embrace the whole of its population; there was a large district just outside of Glasgow which was in the neighbouring counties. Why should a man be a voter in one street when his brother, perhaps, in the very next street, a man of the very same class, and following the same occupation, was disfranchised? He thought there was a great practical injustice in such a state of things, and that that class had a right to be represented. Although he would not go so far as to say that they should have equal electoral districts—and nobody had as yet contemplated that—yet he thought the tendency should be in that direction, so as to get rid of the absurd anomalies and distinctions between the county and borough franchise. When the Prime Minister, a year or two ago, spoke on this question, the principal objection which he urged to moving in this direction—and it was thrown out as a taunt to the Liberals—was that it would disfranchise all the small boroughs, because it must be accompanied by a re-distribution of electoral power, and that the Party which would suffer by such a measure would be the Liberal Party. That was a threat which had no effect whatever upon him. He would not give his vote on the question that day in any Party sense. What the House had to consider was whether what was proposed was just or unjust. He maintained that the existing state of things involved a practical and absolute injustice, and he was prepared to vote against that injustice, whatever the consequences to either Party might be.

MR. BENTINCK said, he had listened with great regret to the tone of this debate, so far as regarded those who supported this measure. It appeared to him that their great object had been to make this question a source of agitation and ill feeling between the employers and employed. The tenour of some of the speeches which had been delivered was to show the labourers that they were the persons who were suffering, but he protested against that being made a ground of political agitation out-of-doors. In one thing he entirely concurred with the right hon. Gentleman the Member for Bradford, when he said he wanted to see the whole country represented before they dealt with the Church. In that he

quite agreed, for he was sure the more fully the country was represented, the larger would be the amount of support which the Established Church would receive. The right hon. Gentleman desired to see this measure carried, and that it should be followed by what he called a moderate re-arrangement of the electoral system. Now, there could be no moderate re-arrangement if this Bill passed. The effects might be for good or evil, but there could be no escape from electoral districts. He (Mr. Bentinck), however, believed its passing to be an utter impossibility. Looking at the effects of the measure in a party sense, he believed the Conservative Party would be gainers. Something had been said of the meetings which had been held and the Petitions which had been presented in favour of the Bill; but the right hon. Member for Bradford was too old a tactician not to know very well how such meetings and Petitions were engineered. Up to the present time nothing existed to show that the question had been viewed by the people in any light except that of a lever for political agitation on the part of those who wished to disturb the existing arrangements of the country. But to come to the alleged grievance, he rather thought it was urged by the wrong parties. How did it happen that those distinguished Members who represented cities and boroughs had been so suddenly impressed with the wrongs of the counties? These hon. Gentlemen had misconceived the question. There was no doubt a great grievance, but not the one which they had pointed out. The grievance was not the want of the franchise amongst the labouring people, but the want of a better representation of the rural districts. They were entitled to the representation of a majority in the House, but they were in a considerable minority, and the effect of carrying the present measure would be to perpetuate the existing grievance and virtually to disfranchise those whom it professed to assist. The whole question was one of confusion between enfranchisement and representation. The Bill sought to enfranchise, but not to give representation. It had been his misfortune to be present when the Reform Bill of 1867 was passed, and he still looked upon that measure as reflecting the utmost possible discredit upon those by whom it was introduced. It had led



to a great extension of the franchise and to something else, and he did not wish to extend to counties that state of things which was too prevalent, under which bribery reigned triumphant. What happened in the borough of Stroud? There had been a series of most animated and vicious contests, with such a division of opinion that it was almost impossible that the constituency could be fairly represented. But, more than this, the system of bribery which prevailed there would be dominant in every constituency where, as in Stroud, parties were nearly balanced, and the result would depend on the votes of that class described by the right hon. Gentleman the Member for Birmingham as "the residuum" and the abject class. Could there be a stronger argument against electoral districts?

MR. MACDONALD altogether denied the charge which had been brought against the supporters of this Bill, that the meetings and Petitions in its favour had been "engineered." On the contrary, he knew them to be the honest expressions of the opinions and the firm convictions of those whose signatures they bore. With respect to the observations which had been made to the effect that there had not been sufficient agitation on the subject, he urged the House to accept the calm and unimpassioned expression of the opinions of the people, as expressed in their Petitions and at public meetings, and not delay action until riot and disorder ensued. What did the hon. Gentleman who had just sat down (Mr. Bentinck) want? Only last Saturday he (Mr. Macdonald) had attended a great meeting of pitmen in the county of Durham when 50,000 men were present, and when a unanimous resolution was passed in favour of this Bill. That meeting passed off without it being necessary to take a single person into custody, and the same was the case with a similar meeting which was held last year. It ought to be gratifying to the hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) that without the aid of a Permissive Bill 50,000 miners could enter and leave the city of Durham without getting into the meshes of the law for intemperance and disorder. Yet these were the people who were refused liberties which other people possessed. He held it to be the abstract right of every individual who paid taxes for the

maintenance of the country that he should have the right and power to vote. He admitted that even those who opposed this Bill had indulged in expressions of kindness towards the unenfranchised in the rural districts, but those expressions being accompanied with a refusal of the franchise only reminded him of the lines—

"Perhaps it was wise to dissemble your love,  
But why did you kick me down stairs?"

The Prime Minister last year declared that it was right the franchise should be extended to the rural districts, but that the time was not opportune. He (Mr. Macdonald), however, thought if a large portion of the community was deprived of a right it was the first duty of the Government to put them in possession of that right. If, as was objected, the passing of the Bill should necessitate a re-distribution, he considered the House would be as well occupied upon that subject as upon many others which had engaged its attention this Session. But after all he believed hon. Gentlemen opposite were far less concerned about the effect which the Bill would produce on the constituencies than about the effect it would produce on themselves. He should give it his hearty support, for, however hon. Gentlemen might pooh-pooh and blink the question, he was convinced that there was such a growing feeling in the country in its favour that if they did not speedily deal with it, the country would compel them to do so.

MR. R. E. PLUNKETT said, that it was necessary to consider what would be the effect on the constituencies of a re-distribution of seats, such as might be necessitated by the passing of the measure, and he had therefore taken the trouble to make some calculations showing that effect, which he thought not unworthy of consideration. On referring to the Census, he found that the rural population of England and Wales was 12,059,843, while the rural franchise was at the rate of one in 15.5. There were 801,109 rural electors, but by extending the borough franchise to counties, the rate would become one in 8½, so that they would then have 1,418,804 rural electors. The present 187 county Members each represented on an average 4,809 electors, but if this Bill were passed the number would be increased to 7,576. It was found that the expenses of constituencies varied

*Mr. Bentinck*



according to the number of electors, and this fact must be looked in the face. At the last General Election, in 20 counties contested, the 42 successful candidates spent £142,232 6s. 7½d. The registered county electors were 201,977, giving, on an average, 4,809 to each Member, who spent £3,386 13s., or 18s. 9d. per elector. Taking the amount returned as representing three-fourths of the actual expenses, they might be estimated at £4,515; whereas the addition proposed by the Bill would make them £7,102. In 20 boroughs, 31 successful candidates spent £23,837 2s. 6d., the registered electors being 120,337, giving 3,881 electors to each Member. The expense to each Member was now £769, and adding one-fourth as the result of the Bill, the average would be £1,025, or 5s. 3½d. per borough elector on the register. Perhaps that might seem a low view to take of the matter, but the argument went to show that if the Bill was passed without any provision being made against a corresponding advance in the expenses of candidates, county seats would be placed beyond the reach of those who had hitherto held them, and of many who were the greatest ornaments of the House; and in attempting to reform the Constitution, they would simply throw the representation into the hands of those Gentlemen to whom a Committee upstairs had applied the polite name of "great financiers." Again, if equal electoral districts were adopted, the average cost of each seat would be over £3,000—the average cost per elector being 12s.—the mean between the county and borough elector. It had always been said that there were seats for all manner of men, and that men of capacity were not kept out of Parliament by want of means; but by placing the average expense of all seats at £3,000, they would exclude a great many men who were most necessary to their counsels. He felt it his duty to bring this disagreeable view of the subject before the House, and if the hon. Member for the Border Burghs could get over the difficulty, he would remove one of the greatest obstacles to his measure. As to the argument of the right hon. Member for Bradford, that if the agricultural labourers had possessed the franchise their children would have been better educated, it must be remembered that

a large proportion of the uneducated classes had, until lately, been opposed to education; and if they had had votes, he (Mr. Plunkett) did not think the Education Act could have been passed, as at that time there would have been in the way that inert mass which was only now being stirred into life.

MR. TREVELYAN: Sir, on all previous occasions when I have had the honour of introducing this question to the notice of the House, it has been with doubt and diffidence, and my remarks have been couched in the language of an apology. As far as that diffidence is personal, it is still as strong as ever. I was never more painfully and sincerely impressed with my own inadequacy to undertake so weighty a task, and to champion a cause fraught with such numerous and momentous interests. But my feeling of distrust stops there. I may not be the proper person to bring in this Bill, and I shall not quarrel with any hon. Gentleman who says so; but the events of this Session within this House—and still more, other events to which I shall presently make reference, which have occurred outside it—have rendered it a matter of pressing necessity, that some one or other—the most eminent among us if we can get him, but even the most insignificant if no other can be found—should without further delay call upon his brother Members to proclaim confidence in the mass of their fellow-countrymen. Confidence in the theory of self-government, confidence in the tendencies which have actuated our legislation over the period now of nearly half-a-century, are sentiments which, though discouraged and depressed, are not dead within these walls, but which, as I trust the division of this afternoon will prove, are entertained by the immense majority of a Party that is still true to those popular principles and sympathies, without which it cannot continue to be respected in the present, and assuredly need never hope to be powerful. Sir, the grievance which this Bill is intended to remove is one which exists in no country but our own, and which even here has existed in its present aggravated form for a period of only seven years. The Reform Bill of 1832 brought to an end a system which hardly deserved the name of a representative system at all, and set up both in boroughs and counties an excellent and

effective machinery of middle-class representation. I am well aware that before 1867 there was a difference of opinion as to the proportion of working men in the old borough constituencies, as those of us who were in the Parliament of 1866 have only too good reason to remember. But although during some weeks of that Session a fresh Return was laid every day on our breakfast tables analyzing the voters of every borough in the Kingdom, and classifying and tabulating them under every conceivable head and every imaginable category, still the result always came out the same in the end, and it was quite evident that previously to 1867 the working classes were outvoted in all the counties and in 90 per cent of the boroughs. The Bill introduced by the right hon. Gentleman now at the head of the Government, as far as the urban population was concerned, put an end to this state of things at once and for ever. From the day that Bill became law, every man in every one of our boroughs who had the industry and self-command to pay his way and keep a house over the head of himself and his family, became entitled to a share in the government of his country. But while the legislation of 1867 gave the town householders what some will call a boon and others a right, it gave the county householder nothing but what everyone will acknowledge to be a grievous and in the end an intolerable wrong. For having enfranchised every man who was fortunate enough to occupy a residence within the boundaries of a Parliamentary borough, it dealt with all who resided outside those boundaries by the simple and summary process of ignoring their claims, of leaving them in the lurch, of announcing by a silence more expressive than the language of the most eloquent Preamble and the most accurately worded clause, that the county householder was unfit for the privilege and unequal to the responsibilities of a citizen. To the inequalities of class which have existed hitherto, it now added the new and not less invidious inequality of locality. The multitude of our countrymen who suffer under this inequality is very great. According to a calculation which I had the honour of laying before the House in the year 1873, and which the Prime Minister did me the still greater honour of adopting for his own in 1874, they

numbered upwards of 900,000 in England and Wales alone. If their grievance was any other than exactly what it is—to say, if, possessing a vote, they suffered under any injustice one-half as great as exclusion from the pale of citizenship, I will venture to say that were the Session never so late, or the Notice Book never so full, not one month, not one week would elapse before they would have a pledge and a promise of redress in the shape of a measure laid before the House by the Prime Minister himself; and because these men, instead of being voters are only suppliants, instead of being our constituencies are only our countrymen, are we so deaf to justice that year after year we are to refuse them rights which, if they did not eagerly desire to possess, we should hardly deem them worthy of the name of Englishmen at all, and that we are to add a sting to our refusal by not even taking the trouble to base that refusal on any show of argument or pretence of reason? For the most remarkable feature in this controversy ever since it has been a controversy is, that not only has no argument been offered against the principle of this measure, but that its opponents themselves admit that no such argument exists. The hon. Gentleman the Member for North Northumberland (Mr. Ridley) admitted that as regards competency for the franchise no distinct line can be drawn between the town artisans and the rural labourers. Still less has anyone been found to maintain that a Scotch shepherd would make a worse voter than a Scotch weaver; that a man who spins wool at Barnsley would make a worse voter than a man who spins it at Bradford; or that a man who digs iron in Cleveland would make a worse voter than a man who puddles iron in Middlesborough. Everybody allows that the county householder may be turned into an elector with advantage to himself, and, to say the least, without any danger to high national interests. And having made this capital admission, having conceded what is the mind and substance of the whole matter, hon. Gentlemen who dislike the Bill are forced to resort to incidental objections which I cannot but venture to describe as irrelevant, though I fully admit them to be ingenious. The objection which is always first brought to the front is this—that it is impossible to approach the

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question of the county franchise, unless we are prepared entirely to re-cast the distribution of seats throughout the Kingdom. The Representatives of the smaller boroughs warn their electors that the passing of this Bill will inevitably lead to their extinction as a separate and self-contained constituency, and the right hon. Gentleman at the head of the Government has summed up these fears and these warnings in a proclamation in which he informs the country that the extension of the county franchise will bring about the disfranchisement of all boroughs under 40,000 inhabitants. Sir, a House which has in the course of this very Session been told that it is to sit till it has passed all the Government Bills, and has since witnessed that alarming announcement softened down by successive degrees until it has ceased to be too much for the nerves even of the most timid Members, may be supposed to view with tolerable complacency any bugbear which the right hon. Gentleman may think fit to hold up for its contemplation. How much his threats are worth we may judge by comparing what the right hon. Gentleman said—as I presume, is his own opinion, an irresponsible candidate at the late General Election—with what he did as a responsible Minister of the Crown. In 1874 he tells the Buckinghamshire electors—and through them the country at large—that you cannot make the county and the borough franchises identical without disfranchising all towns under 40,000 inhabitants—that is to say, without destroying by one and the same operation 217 seats. But in 1859 he himself introduced a Reform Bill, of which the leading principle was that the borough and county occupation franchises were to be made exactly identical, and the amount of disfranchisement which he thought necessary in order to effect this object was limited to this—that he proposed to deprive 15 boroughs of their second Members, and to transfer eight of those Members to large counties and seven to large towns. But, Sir, those boroughs have actually been for the most part deprived of their second Members by the Act of 1870, and those large counties and large towns by the same Act received their additional seats. All that the right hon. Gentleman thought it necessary to do, in order to enable himself to make the

franchises identical, has been already done, and therefore I am justified by the strictest law of logic in claiming the right hon. Gentleman as an authority in support of the doctrine that in order to lower the county franchise to the level of the boroughs, so far from its being necessary to make a root-and-branch re-distribution of seats, it is right, proper, and sufficient to make absolutely no re-distribution at all. But there is another objection, which comes from our own side of the House, to which I must for a moment refer. Some hon. Friends of mine—would it be breaking the seal of private intimacy if I go so far as to say some right hon. Friends?—are apprehensive lest, by pushing this question too warmly, we should give the present Ministry an excuse for re-arranging the representation of the country on a plan favourable to their interests and unfavourable to ours. A Conservative Government—so the train of thought runs—will catch only too eagerly at the opportunity of making a re-distribution of seats in a Conservative sense. Sir, my political experience has not been so protracted as that of my right hon. Friends; but I have observed enough to make me certain that it is not by any arrangement of electoral districts that one Government can be brought in or another driven from office. In 1867, the present Prime Minister had a very great, though from the circumstances of the new Parliament, not an overwhelming influence, over the local re-arrangement of our representation. Boundaries were altered, towns enfranchised, Universities endowed with Members, often in strict accordance, and seldom in direct opposition to his wishes, and the very first use the country made of this electoral machinery, which he had himself re-arranged, was to place him in a minority of 100 votes. Five years passed, and that very same electoral body sent him again into power with a majority at his back, which, whatever may be its nominal strength, is, I will venture to say, for practical purposes, not very much smaller than the majority which turned him out. And the cause was, that in the course of those five years, during which we lived, perhaps, somewhat faster than usual, a change which some of us regret, and which some of us welcomed, came over the mind and the inclinations of the people. The



last two General Elections teach us a lesson which everyone but a professional electioneering agent will gladly learn, for they prove that even if he wished it—which the right hon. Gentleman did not—no Minister can manipulate or jerrymander a great county into expressing his will at the polling booth instead of expressing its own. Last year my hon. Friend the Member for Stafford (Mr. Salt) contrived to find an argument against this Bill in the different results of the elections of 1868 and 1874. He asked me which of these opposite and inconsistent results I recognized as the voice of an enfranchised and therefore an enlightened people. My answer to him is short and simple. I recognize them both, because from their very diversity they prove that the nation thinks and judges for itself. He must not imagine that we shall accept it as an objection to this measure if he can show that it will not necessarily lead to Liberal triumphs. We have no taste for triumphs which are won by keeping out of the pale of citizenship many hundred thousands of our fellow-countrymen, who, I will make bold to say, are as fit to be within that pale as the average of those who are there already. It is an error to suppose that the poor man, if he be honest and respectable, has a smaller stake in his country than the rich. So far from that, he has in one sense a larger stake dependent upon the wise administration of our national affair. If, owing to bad fiscal or commercial laws, trade becomes unduly depressed, if a country is invaded and its industries ruined—if a series of revolutions disturb that permanent order and tranquillity under which alone prosperity can exist—the rich man who has foresight can secure to himself at least the means of life by investing part of his possessions in foreign countries. But the poor man must stand and fall with the fortunes of the territory on whose soil he lives, and he has the most stringent reasons for watching and checking a foolish course of foreign policy which may bring about an unnecessary and therefore a dangerous war, or in guarding against a foolish course of home policy, which may bring about disaffection, sedition, and disturbance. There is no political caution like the caution of the French peasant, and no political conservation more healthy and rational

than the conservation of the small rural voter in the more favoured of the Swiss cantons. And, again, the class of persons who would be admitted by this Bill have other reasons to make them earnest and careful voters, for they depend, to a degree the rich cannot realize, upon legislative enactments for almost everything that makes their lives worth having. All the Factory Acts and Truck Acts, and Adulteration Acts and Education Acts that are in the Statute Book of the last 10 years—and there probably never was a period so fruitful in that class of legislation—have had no perceptible effect upon the well-being of the upper classes. There is not one of us who, in consequence of all that multitude of laws, will ever eat a meal the more, or work an hour the less—whose home will be healthier, whose food will be more wholesome, and who will see round his table children with rosier faces and with more disciplined and enlightened minds. But it is not so with the working people. To them a good law means happiness, health, and moral elevation; and to be excluded from the operation of such law means discomfort, degradation, and disease. And it is not in human nature—it certainly is not in political human nature—that these men who are without their share of the suffrage should obtain their share of the laws. Your doors are besieged Session after Session by manufacturers and landowners, and shipowners and farmers, and shopkeepers and officers, military and naval, and clerks and clergymen and artisans, all of them clamorous for justice—or what they think to be justice—all of them armed with a vote, and therefore if neglected in the present, only too certain to make themselves disagreeable in the future. When these armies of powerful claimants are making such encroachments upon your limited time and your energy, which is not inexhaustible, how can you spare any adequate attention to the modest demands of poor unenfranchized people who come before you provided with no more formidable weapon than the humble language of an unread, and possibly not even an unrolled, Petition? The Session, Sir, which is now drawing to a close, affords ample proof that in a representative Government, the more you extend the representation, the classes which still remain excluded from the

suffrage, go only the more hopelessly and the more rapidly to the wall. Of all the Bills which our labours of this year have turned into Acts, there is none about which Members of both political Parties will speak with more pride and satisfaction in the course of next autumn and winter than the Artizans Dwellings Bill. That Bill provides the means of destroying and re-building, according to the laws of health and decency, dwellings that are manifestly unfit for human habitations. Sir, the county districts contain at least as many such dwellings as the towns, unless the Report of the famous Agricultural Commission of 1867 is from its first page to its last an elaborate libel and fabrication. One Assistant Commissioner, who now sits on the Opposition benches in the House of Commons, tells us that in a certain great county the cottages must be described as generally bad, and when we consider that the county in question contains in its rural districts 150,000 inhabitants, I leave to hon. Gentlemen to imagine for themselves what an amount of misery and barbarism is implied in the few words of that simple statement. Another Commissioner, who sits in the House of Lords as a Bishop, speaks of the cottages in the less prosperous parts of England as miserable, deplorable, detestable, a disgrace to a Christian community, deficient in accommodation, deficient in drainage and sanitary arrangements, bad to begin with, and long ago dilapidated and out of any pretence to repair. Relying on such facts as these, my hon. Friend the Member for Newcastle (Mr. Cowen) proposed in Committee on the Artizans Dwellings Bill to extend the operation of the Bill to all sanitary districts as defined by the Act of 1872, so as to include in the blessings which Parliament was showering upon the great cities some few portions, at any rate, of our country districts. He was told by the Government that as regarded small towns the Act of 1868 would effect all that was required; but that suggestion is no consolation and no assistance to the neglected cottagers of country districts, because, as hon. Gentlemen are well aware, the Artizans and Labourers Dwellings Act of 1868 is confined to towns over 10,000 inhabitants. My hon. Friend went to a division, and carried into the Lobby

with him not one single Scotch or English county Member. Sir, if a county Member, instead of representing 3,000 well-to-do electors, living in airy, water-tight, well-drained houses, represented, as I maintain he ought to represent, 10,000 electors, of whom half were housed in the manner described by the Bishop of Manchester and the hon. Member for Mid-Lincolnshire (Mr. Chaplin), what do you think would, under those circumstances, have been the number of my hon. Friend's supporters, and how many years more would cottages in rural England continue to be a disgrace to a Christian community? And again, at a somewhat earlier period of the Session, my hon. Friend the Member for Hackney (Mr. Fawcett) moved a Resolution to the effect that it was undesirable that a less amount of school attendance should be secured to children employed in agriculture than to children employed in the branches of industry. In the course of his speech—in my opinion one of the most weighty and thoughtful speeches to which this Parliament has had the privilege of listening—he asked why children in towns should not be sent to work before the age of 10, while children in the country may be turned from babies into labourers at the age of 8? He asked why children in towns should continue their education up to the age of 13, and under certain circumstances up to the age of 14, while the education of children in the country may stop at the age of 11, and under certain circumstances at 10½? Those were the questions which he asked, and what answer did he get? He was outvoted, by a very large majority, chiefly composed of county Members, whereas not a twelvemonth before, when the Government brought in a Factory Bill for the purpose of extending the school hours of children in the towns, the Members for the boroughs rallied in support in such numbers that the Lobby was hardly large enough to contain them. Where must we look for the key to such a strange diversity of view between the Members for counties and the Members for towns, except in the fact that borough Members represent the parents of the children whose fate is at stake, while county Members represent, not the parent, but only the employers? How much longer is this state of things to



continue? For how many more Sessions are we to go on debating Labour Laws without consulting those who are to be bound by them; debating Education Laws without consulting those who are to benefit by them; discussing Army questions without hearing what is thought by the men whose sons fill the half of our battalions; discussing Church questions without a word from the men whose families make the great majority of our congregations? See the position in which these people are placed. They pay the taxes which they never voted; they keep the laws which they have had no hand in making; they do the country's work; they bear the country's burdens; they fight the country's battles. They are Englishmen in all respects and for every purpose except during the progress of a General Election. Then, at the very moment when a citizen's privilege is best worth possessing, they rush from the rank of citizens to the level of aliens. They see men who have only a nominal and fictitious connection with their neighbourhood flocking up by special trains from every quarter of the compass to vote in those booths from which they themselves are ruthlessly excluded, and then hurrying off in order to be in time to swamp, by means of faggot and plural suffrages, the real public opinion of some other unhappy locality. They, meanwhile—the native, the genuine, the resident inhabitants—stand in the market-place, waiting patiently and helplessly to hear who are to be their Members during the next seven years; and, forsooth, they are told to be content because their interests are sufficiently represented by the farmers, the landlords, and the freeholders. But the very essence of the theory of representation is, that the represented shall be able to call the Representatives to account; and how is it possible for non-electors to influence electors, to criticize, to encourage, to remonstrate with them on the manner in which they exercise the suffrage, when, under a system of secret voting, no one can tell on which side that suffrage was given. The Ballot Act of 1872 cut away the very ground from beneath the feet of those who relied upon the already worn-out theory of vicarious representation, and, if any shred of that theory still hung together, it would have been finally disposed of by certain events which have

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taken place since this measure was last discussed in Parliament. The notion that the agricultural labourers are sufficiently represented by the farmers cannot hold water in the face of what has occurred in Cambridgeshire and in West Suffolk. The hon. and learned Member for Cambridgeshire (Mr. Rodwell) replied to my hon. Friend the Member for Hackney with a warmth which expressed, I am sure, his own earnestness of conviction, but which did not in the least invalidate my hon. Friend's argument. The hon. Member for Cambridgeshire himself will not deny that a long contest between the labour unions and the farmers recently took place in the Eastern counties. Both parties in the struggle were possessed by an earnest and impassioned, though, as I believe, a mistaken conviction that their interests were directly opposed the one to the other. All the incidents which usually mark a contest between employers and employed took place here. There were speeches, processions, subscriptions, handbills, meetings, and manifestoes. The public at large was appealed to through the local and the London papers, and it will be remembered that the case of the farmers was powerfully stated by a gentleman of high standing in the legal profession. The struggle came to an end, and very shortly afterwards a vacancy occurred in the representation of Cambridgeshire. A Conservative candidate was put forward who commanded the support of a large majority of the landowners in the county; but though he was an irreproachable candidate, whom we have known for years in this House as a respected Colleague, the farmers would have none of him. They resolved to take so excellent an opportunity of proving their gratitude to the legal gentleman who had acted as their champion; they rallied round him almost to a man; they sent him to Parliament, and no one here holds his seat by a more honourable tenure, because his constituents, be they few or be they many, have, at any rate, proved that they have a mind of their own. But, Sir, what is the relation of that hon. and learned Gentleman to the non-electors of Cambridgeshire? The better he represents the farmers, who regard the labour unions as a nuisance which must be put down at all sacrifices, and who think a certain lock-out in the pre-



sent a lesser evil than a possible strike in the future, the worse he represents the agricultural labourers who look upon the power of combination as a right, and a right which in the long run may prove a valuable guarantee for their prosperity and independence. And, again, in the recent election for West Suffolk, a gentleman whose chances had at first seemed not unfavourable was beaten out of the field as soon as it began to be put about that he was what was called "Arch's candidate"—that is to say, that he was willing to give a respectful consideration to the claims and wishes of the non-electors. It is a very serious reflection that, in order to have a hope of sitting as Representative of a county, a candidate is under the necessity of carefully concealing the fact that he has any sympathies or opinions in common with the vast majority of the inhabitants who live within its borders. And meanwhile, at the other end of England, a circumstance has occurred which has a very important bearing on the question now before us. The miners of Durham and of South Northumberland, as is well known to many hon. Members, very generally reside in cottages which they occupy under the express condition of their working in the collieries to which these cottages are attached. For some years past it has been uncertain whether or not these men, from the peculiar nature of their tenure, had a title to the franchises belonging to the residences in which they lived, and whether they would vote in any of the local elections which are so frequent in this country. But all these doubts which were cast upon their municipal qualification have only, within the last few weeks, been set at rest by a decision of the full Court in Queen's Bench, which has put them finally and authoritatively in full possession of all their privileges as rate-payers. And, therefore, from this time forward the mining population of our Northern counties will be in the most extraordinary position of any population in the civilized world. They have a voice in choosing the Guardians of their poor; they have a voice in choosing the members of the body which looks after their highways; they vote for the school board which superintends the education of their children; they vote for the Board of Health which dispenses the enormous

taxation which modern sanitary requirements are supposed to demand; they exercise all these high trusts, and they exercise them well and wisely, but when it is a question of electing a Member of Parliament, they have no more part or power in the matter than the horses which drag the coals along the tramways of their mines. These men, who take an interest in general politics quite as keen as in the affairs of their own locality, have already begun to see this anomaly clearly and to protest against it vigorously. And while they feel acutely the contrast between their own position as municipal electors and political non-electors, they feel still more acutely the contrast between themselves and those of their own class who live within the boundaries of Parliamentary boroughs. From all our great Northern seats of industry there run in every direction almost interminable suburbs, covering whole tracts of country with communities which are towns in all but in name. Thousands upon thousands of acres in South Lancashire and the West Riding of Yorkshire teem with a vast population, which is not rural but urban in its habits of life, in its occupations, in its interests, in its ways of thought, in everything except in the possession of the ratepaying household suffrage. That population, large as it is, is growing with almost portentous rapidity. At every successive Reform Bill we turn many hundreds of thousands of these people into voters by the creation of new boroughs, but their rate of increase keeps far ahead of our puny efforts. In this Island, at any rate, whatever might be possible to an Oriental despot, you cannot draw an arbitrary line between town and country. You cannot confine commerce and manufacture within the imaginary limits of a Parliamentary borough, still less can you stand upon the boundaries of such a borough and say to the veins of iron and the seams of coal beneath your feet—"Thus far shalt thou go and no further." You may arrange your political districts as you will, but wherever the metal or the fuel is to be found, the miners' cottages will spring up by scores and hundreds. Wherever a convenient stream runs the wool weavers and the cotton spinners will swarm along its banks. And while this great unenfranchised multitude, nominally of country

folk, but in reality, of townsmen, already equal to the population of many an ancient and famous European State, is growing daily in numbers, it is growing likewise in its appetite for political power and its aptitude for political life. When any of those social questions to which our Wednesdays are devoted is approaching discussion in this House, there is no class of our people from whom Petitions come more thickly and among whom public meetings are more frequently held and more numerous attended than the non-electors of such places as Barnsley, and Barrow, and Croydon, and Heywood, and Accrington. You have there, whether you like it or not, a vast latent force of opinion and energy, ay, and of passion too, which according as we decide to-day, will be powerful for good or most formidable for evil. It lies with you to say whether that force, the strength of which no man will deny, is to be employed in adding authority to the debates of this House and vigour to its legislation, or whether it is to be allowed to waste itself in desultory efforts until the day when some clever, unscrupulous agitator shall arise who shall divert, to the peril and disadvantage of the State, those elements which, if properly directed, might so largely contribute to its welfare and security. The strange prosperity which we have enjoyed of late years cannot last for ever. Bad trade must come—unless recent symptoms are singularly deceptive, it is coming already. The Continent is in a state in which from month's end to month's end war is something more than a possibility—and that no ordinary war, for it will be complicated by cross issues—social, and, above all, religious—for a parallel to which we must go far back into the annals of history. When the time of trial arrives, as sooner or later arrive it must, it will add not a little to our national strength if that great section of our population for whose benefit this Bill has been placed upon the Table shall not, as now, be reduced to follow any irresponsible, self-appointed leader who may choose to place himself at their head, but shall look for guidance to Representatives elected by themselves, and sent to Westminster to speak for them after the old constitutional fashion—Representatives who, unless all previous experience is falsified, will not be one whit inferior in

character, in position, or in ability, to the Gentlemen whom I now see around me. And, in conclusion, I may perhaps be allowed to address myself for one moment to the Members of my own Party, and entreat them not to take counsel of any petty considerations of Parliamentary strategy and electioneering expediency, but to ask themselves the plain question whether this Bill is in accordance with Liberal principles, or whether it is not. Whatever hon. Gentlemen opposite decide to do, it undoubtedly concerns the good fame of us who sit on these benches that we should not wait until this question is forced on our acceptance by pressure from without, but now when our fortunes are at the very lowest, now in this our day of disaster, depression, and defeat, we should, acting from broad views and justice and national advantage, freely and unreservedly cast in our lot with the excluded and neglected householder of the counties. We must not be deterred by the possible cavils of a captious adversary, who may impugn our motives and hint at our being guided by interest rather than by conviction.

"We must not stint

Our necessary actions in the fear  
To cope malicious censurers.

If we stand still

For fear our motion will be mocked or carped at,  
We should take root here where we sit, or sit  
State statutes only."

Sir, in the belief that the duty of myself and those who think with me is plain before us, I have brought forward this Bill for a second reading. I shall be told again, as I have been told already, that it is too late in the Session to press on a measure of these dimensions; but there are many here who think it is never too late to call upon the House to pronounce against the continuance of a grievance which is at once incontestible and indefensible. As far as we have any power in the matter, we shall go to a division, satisfied that if successful we shall give hope and encouragement to great multitudes of our countrymen who at present have only too good ground for discontent; and that if beaten we shall, at least, have vindicated the principles of our creed, and handed down, as it has been delivered to us, the tradition of our Party.

MR. NEWDEGATE: Sir, the House has just had the privilege of listening to a diatribe which has been in preparation for no less than five months. The hon.

Member for the Border Burghs obtained leave to introduce this Bill so far back as the 8th of February last, and then, or soon after, appointed the second reading for discussion on the 7th of July. I think that, after listening to his speech, and considering the deliberate manner in which the hon. Member has evidently employed the time in preparation, the House will agree with me that he has shown himself at once an audacious and a timid man. He has had the audacity to attribute to the exclusion of the agricultural labourers from the franchise, the state of poverty, misery, and disease in which he wishes this House and the world to believe that they exist, dwelling in cottages that he says are disgraceful to a Christian country. That is a specimen of his audacity in statement. At the beginning of his speech, the hon. Gentleman appealed to the Leaders of his Party to adopt his views as a means of enabling them to return to office, and he concluded his speech with a similar appeal, though couched in somewhat more guarded language; the return of his Party to office, therefore, appears to be his motive. I own I was surprised that a Gentleman entertaining the views which he has expressed with regard to the conduct of this House could reconcile his continuing to be a Member of such an Assembly to his conscience. What must he think of his own Party? They, up to the beginning of this Parliament two years ago, have been long in office. He has told us something of the former conduct of the present Prime Minister. He said that the right hon. Gentleman at the head of the Government introduced in 1859 a measure based upon the principle of uniform enfranchisement, the principle he now advocates by this Bill; that is to say, that the franchise should be the same in boroughs and in counties. But what was the fate of that proposal of 1859? Why, that it was never seriously entertained by the House; although it was commended by a £10 occupation qualification which is wanting in the proposal now before us. At that day the House of Commons had a little more political knowledge than the hon. Member seems to suppose. Parliament remembered that, in France, there had been a similar identity of franchise throughout the whole of that country, and that that uniform franchise fell through in the Revolution of 1848.

You may theorize about an impossible equality, you cannot produce equality among mankind; men are not by nature equal; and if upon the principle of a dead level of equality you found a Representative system, you really provide for the misrepresentation of the nation. The hon. Gentleman says that we have no arguments to advance against his proposal. I suppose he means that we take a view of this great question of Parliamentary Reform totally different from his own. He represents in this House with but little disguise the philosophy of Tom Paine. ["Hear, hear!" and laughter.] Yes, from first to last his argument proceeded on the assumption upon which Mr. Thomas Paine founded his theory, that the elective franchise is a right inherent in every man. But the hon. Gentleman is not so consistent as was Tom Paine. Why does he stop at household suffrage? Where is the consistency of thus faltering in the adoption of Mr. Paine's theory? Mr. Paine recommended manhood suffrage? I have said that our views are different; for we look upon this House as a legislative machine, or as a jury formed upon principles, and to be reformed upon such principles as shall ensure the fullest representation of the better, of the best qualities of the English nation; of its independence, of its sense of justice, of its intelligence, and of its enlightened patriotism. We do not believe, then, that by excluding some of those who are least educated from the franchise in some portions of the country, and making that exclusion in favour of the representation of the better educated, any injustice is done. If we are to frame a legislative machine, we claim the right of selecting the best materials for the purpose. Selection is the principle upon which this House for centuries has been elected. If you proceed too far upon this theory of equality, you will establish not freedom but despotism. The hon. Member has been pleased to declare that the House as hitherto elected has inflicted degradation, misery, and disease upon a majority of the population. For my part, I do not hesitate to affirm that I never heard a more unscrupulous use of democratic exaggeration; and I venture to tell hon. and right hon. Gentlemen opposite that if they rest their hopes of a return to office and power upon countenancing such



exaggerated statements, or rather such mis-statements, as to the condition of the people of this country and the supposed causes of it; upon such calumnies upon their own conduct, and upon the conduct of Parliament, it will be a long time before they regain the confidence of the English nation. Recent political events show clearly enough what the nation really feels. What has been admitted by hon. Members opposite in the course of this debate? That the right hon. Gentleman the present Prime Minister introduced and carried a Reform Act in 1867; and what was the result? That at the next Election he returned from an appeal to the country in a minority of upwards of 100! He was succeeded in office by the right hon. Gentleman the Member for Greenwich and right hon. Gentlemen opposite; they passed violent measures with respect to Ireland, and concluded by procuring the enactment of the system of secret voting in lieu of the old English system of open voting at elections. What was their fate? After the last General Election they returned to this House in a minority like their Predecessors of something about the same number. What means the opinion of the nation thus expressed? It seems to me to mean that your frequent departures from the well-tryed principles of representation which have rendered the House of Commons in former years the model Representative Assembly of the world do not meet with the approbation of the English people. I hope that the Conservative Party in this country will manifest their position of a quality which is totally wanting in the hon. Member for the Border Burghs—I mean that of moral courage—a quality essential in the opinion of the nation. Sir, what means all this violent language? What does it mean, but that the hon. Member, having as a Liberal, no principles to advance in opposition to democratic agitation, places his whole reliance on democratic denunciations. This violence represents the poverty of Liberalism when exposed to democratic agitation, and this poverty is the effect of a want of moral courage—I will not say of intellect to conceive or to appreciate—but of a want of moral courage to affirm distinct principles as to what should constitute the form of representation and of government. Let the House

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remember upon what the freedom of this country has been based. It has been based upon the principle of maintaining a balance of power between an hereditary Assembly and a popularly-elected Assembly; upon the existence of an aristocracy not merely of birth, but of education, possessed of the confidence of the nation, and thus armed with power to counterbalance what may be at times the misguided democratic impulse of the people. The House of Commons, in passing the last Reform Act, and by restricting the county franchise to property—that is, as expressed by a higher occupation franchise—provided some measure of security that the higher education of the country shall be represented in this House, so that it may, in some degree, when necessary, correct that which may be for a time the ignorant bias of the less educated classes, and provide a stand-point for resisting ill-advised democratic change. A Petition was presented to this House by the right hon. Gentleman the Member for Birmingham in support of the Bill now before the House just before the commencement of the debate. To my mind that Petition is exactly characteristic of the movement which the measure before us represents. It is the Petition of the members and friends of what calls itself the "National Agricultural Labourers Union." I went to the Public Bill Office and looked through the first column of signatures on the first two sheets of this Petition. The first sheet contains the signatures from the parish of Little Walsingham, and I found that in the first column, for I had little time to examine, 15 of the signatures were by marks; while 16 signatures were in the handwriting of those who signed. The next sheet contains signatures from the parish of Kenilworth, of which parish, as being in Warwickshire, I know something. I observed that in the first column 21 of the signatures were by marks, and only 11 were in the handwriting of the signers. Altogether, there were about 100 signatures from Kenilworth; but the population of that place is 3,880. Such is the character of the Petition, so far as I have been able to examine it, by which the judgment of this House is to be enlightened as to the genuine and national opinion of this country. The hon. Member for the Border Burghs has uttered a cruel

calumny against us who oppose this Bill. He has ventured to assert that, because we deem a restriction of the franchise necessary for the objects I have endeavoured to sketch, that we are guilty of a want of respect for the majority of our fellow-countrymen—for the bulk of the nation. [Mr. TREVELYAN dissented.] The hon. Member shakes his head; but I appeal to those who heard him and took down his words, whether the whole tenour of his speech throughout was not, that we have no respect for any man who is not possessed of the franchise. If so, what a miserable set of delegates we must be. The price of our respect, in the opinion of the hon. Member, is a vote at the election; and therefore he has argued that we are prepared to condemn to misery and disease every man who has not the hold upon us of being able to vote. Sir, there is one fact which has been lost sight of in the course of this discussion. It is, that if you multiply votes indefinitely they lose their value. That process has already begun. It is already partially felt in the boroughs. Multiply the votes in the counties, and you will have the same result on a larger scale. I am, Sir, convinced that these exaggerated statements—the mis-statements which we have heard to-day—represent not the national opinion, but merely the straits to which the advocates of democratic change are driven by the beneficial course of legislation pursued by a Parliament, which the hon. Member has deliberately undertaken to belie.

THE MARQUESS OF HARTINGTON: Sir, as I am unable to agree altogether with any of the speeches to which I have listened in the course of this debate, I hope the House will allow me to make a few observations to explain the views I entertain upon the subject, and to explain also the course which I intend to take. Last Session, when my hon. Friend the Member for the Border Burghs (Mr. Trevelyan) brought forward this Bill, I, with several others who sat upon these benches, abstained from giving any vote upon the second reading; and, with the permission of the House, I will state the reasons why I intend to take the same course again—reasons which last Session I had not the opportunity of stating. I cannot vote against the second reading of this Bill, because I am not prepared to meet by a

direct negative the principle embodied in the Bill. That principle I conceive to be that the franchise in counties ought to be equalized with the franchise established in boroughs. Neither in this nor in any previous debate to which I have been able to refer upon this question have I found that any speaker upon either side has directly controverted that principle, and I do not see how it is possible for anyone to contend that the class of householders who have been enfranchised in the boroughs ought to be permanently disfranchised in the counties. Prior to the Reform Act of 1832 it was possible that such a distinction might be permanently maintained. But the introduction in the Reform Act of 1832 by the Conservatives of what is known as the "Chandos clause" broke down the distinction formerly supposed to exist between the county and borough franchise—the one supposed to represent property, the other numbers or occupation; and ever since that day the equalization of the two franchises has been a mere question of time. Since the Reform Act of 1832 the country had been agitated by many attempts to fix some line which should be accepted as a test of fitness for a vote in boroughs. In 1867, however, we gave up this attempt, and decided once and for ever that, without reference to any test of fitness, every man who had to bear the responsibilities of a householder should be invested with the privileges of a vote; and I admit that I am unable to see any reason why a hard-and-fast line, the idea of which has been altogether discarded in the case of boroughs, should commend itself to the country in the case of county voters. I do not rest my assent to the Bill upon the doctrine which has so terrified the hon. Member for North Warwickshire (Mr. Newdegate)—the doctrine of the Rights of Man. I rest it solely upon this—that I see no convenience or wisdom in excluding permanently from the exercise of the franchise any class, unless it can be shown that they are less fully qualified to exercise it wisely than the class we have enfranchised in the boroughs. On the other hand, the question now introduced by my hon. Friend involves other considerations, which in my opinion are still more important than the extension of the franchise to a large class now unenfranchised. It has been, I

think, generally admitted that the passing of this measure would involve a very considerable re-arrangement of seats. This part of the question has on former occasions been somewhat passed over by hon. Members who have spoken in favour of the Bill. But so long ago as 1872 my right hon. Friend then at the head of the Government, in opposing the measure of my hon. Friend—in a qualified manner I must admit—stated that, without pledging himself to the exact proportions which the re-distribution ought to take, it was impossible that this measure should pass without involving an extensive re-distribution of seats. I think every speaker this afternoon has admitted that this measure must be so accompanied. It is evident that, to the existing anomalies to which the attention of the House has been so frequently directed, other and still greater anomalies will be added. To the disproportion which now exists between the number of voters in some large boroughs and those in some small boroughs, returning the same number of Members, will be added the anomaly of conferring an immensely smaller proportion of representation upon the county voters to those who are resident in boroughs. Now, it is one thing to endure anomalies which exist, and it is quite another thing to create fresh ones; and although I am perfectly ready to consider the question of re-distribution whenever it may be brought forward, even with reference to existing anomalies, I think the case becomes a great deal stronger when by our own act we create anomalies such as that to which I have referred. As to re-distribution, I have not heard in the course of this debate, and I cannot conceive that anyone knows or has at all formed an opinion, how this re-distribution is to be effected. I entirely agree with what has been said by my hon. Friend the Member for Hackney (Mr. Fawcett), and by the hon. Member for the Border Burghs (Mr. Trevelyan), that it would have been the height of imprudence to have added to the Bill a measure for the re-distribution of seats. That is a measure with which, obviously, it is impossible for any private Member to grapple; it must be left to the Government. But what I complain of in the proposition of my hon. Friend is this—he asks the House to assent to the principle that

a new Reform Act, of a very important character, is required, while he has not made up his own mind—and the House, I think, has not made up its mind—what is to be the character of one-half and, perhaps, the most important half of the measure. I entirely agree with what has been said by my hon. Friend the Member for Hackney, that this measure does not necessarily involve the division of the country into equal electoral districts. But, although I should be most sorry to see any re-distribution of such a character introduced, I think at the same time, it is essential that the re-distribution scheme which is to accompany or follow this measure should be one of a real and substantial kind such as would afford us some hope that it would be a final settlement of the question. Re-distribution is far the most difficult part of any Reform scheme; and it is very natural this should be so, for to national Conservatism in the case of a scheme for re-distributing seats is added a vast amount of local and personal Conservatism. Accordingly, it has always been found that, while this is the most difficult part of the question to settle, it is also the part which is least satisfactorily or thoroughly settled. Certainly, it cannot be maintained that the re-distribution part of the Act of 1867 was on a scale at all proportionate to the extension of the franchise accomplished by that measure, and I maintain that nothing can enable any Government to carry a thorough and satisfactory re-distribution of seats, such as would be a proper complement to the measure of my hon. Friend, but an amount of energy and interest in the question, not only in this House but in the country at large, which, I maintain, does not at the present moment exist. My hon. Friend must, therefore, forgive me if I say that, while I am unable to meet with a negative the principle embodied in his Bill, I think the time he has chosen for pressing it upon the consideration of the House is inopportune, and I do not see how by my vote I can assist him in pressing it upon the consideration of the House. Let my hon. Friend create, if he can, that opinion in the country which, as I have said, is needed to enable the Government to pass the necessary measure—that is another thing; but in my opinion it is unreasonable of my hon. Friend now to ask the



House to agree to a measure the supplement or complement of which the House is not prepared to undertake, and when the country is also wholly unprepared to deal with so large a question. I have one other reason for not supporting the Motion of my hon. Friend. The hon. Member for Hackney proved, I think, very conclusively, that no danger was to be apprehended from the enfranchisement of a very large number of the hitherto unenfranchised classes. He showed that the effect of the great extension of the franchise a few years ago had been to instal a Conservative Government in power with a larger majority than had followed any Conservative Government for many years past. This fact cannot be denied, but it may be that the tendency of the classes whom you now propose to enfranchise is somewhat too Conservative. So far as Conservatism arises from attachment to the established institutions of the country, and affection for those institutions, I have not a word to say against it. But so far as their Conservatism arises from insufficient education, political ignorance, or indifference, or a preference for class interests over the public welfare, it is a Conservatism which certainly does not claim my sympathy, and which I do not wish to see in any degree extended. Probably, my hon. Friend desires to see far larger changes made in our political institutions than I myself do. He may be of opinion that the measure he is now bringing forward will assist him in forwarding those changes. On the other hand, he may be mistaken. At all events, I am more concerned at the present time to maintain the ground which we have already gained than to tempt any further difficulties. We have heard a great deal of Conservative re-action. Fortunately, that re-action has stopped short of retrogression, and if there was at any time danger of retrogression, I hope, from important words which fell a short time ago from the lips of an eminent Member of the present Government, that we are likely to hear nothing further of it. I do not know, however, that our escape from re-action, or retrogression, has been otherwise than a narrow one; and I must tell my hon. Friend that, looking at the class which has made a Conservative re-action possible or probable, I am in no haste to see them largely re-inforced, until, by political and

general education, they are better fitted than I believe them to be at the present moment for the exercise of the franchise. Holding these opinions, the course which I would prefer would be to vote for the Previous Question. It may be asked why, then, I have not moved the Previous Question? I think that course might have been taken with some advantage last Session; but after a division in a full House has been taken, and a large majority of Members on this side of the House have pledged themselves to support the Motion of my hon. Friend, while a large majority of the House sitting opposite have pledged themselves to its direct rejection, I do not think the Amendment of the Previous Question would meet with any amount of support in this House, and the result of such a division would not adequately show the real feeling of the House respecting it. I cannot, therefore, vote for the Previous Question, and I think the course which will approach nearest to it, and which would be most satisfactory to myself, would be to do as I did last year, and abstain from voting. ["Oh, oh!"] I am perfectly aware that to deliberately abstain from voting upon a question of great public importance is a course which is rarely justified. I believe, however, it is a course which is justified upon this occasion; but I am also aware that, even if it be justified, it is a course which may expose me and others who may adopt it to some attack and some misunderstanding or misrepresentation. I prefer, however, to run this risk rather than give one of two votes, neither of which would be satisfactory to myself, or would properly represent the views which I hold and have endeavoured to explain upon this question.

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convictions shown by the noble Marquess on the present occasion. He rejoiced all the more in the speech of the noble Marquess, because when he entered the House at an earlier period of the debate he heard the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster), in terms of animation and almost of passion, urging that the House should adopt and should not postpone this measure. The right hon. Gentleman thought the Bill necessary because, he said, at present the farmers sent Representatives to this House to oppose the just interests of the labourers. The hon. Member for Hackney (Mr. Fawcett) spoke to the same effect, and added that there never was any hope entertained of passing this Motion, but that it was brought forward to enlighten the Government as to the real opinion of the nation. Now, considering that in the first year of the new Parliament this Bill was thrown out by a majority of 114—pretty nearly twice the Conservative majority. ["No, no!"] Yes; when the new Parliament met, the Conservative majority was estimated at from 50 to 60. He thought the opinion of the nation had been tolerably well pronounced, and the House might this year have been spared a repetition of the Motion. The hon. Member said that the election for Cambridgeshire showed the policy of the tenant-farmers on the subject; but it was a most unwarrantable statement that a gentleman went down as the nominee of the Prime Minister.

MR. FAWCETT: I never used the word "nominee." I said his candidature had the approval of the Prime Minister.

LORD JOHN MANNERS: Well, the House had already heard the hon. Member for Cambridgeshire contradict that statement, and he wished emphatically to endorse, on behalf of the Prime Minister, that contradiction. The hon. Member said that the labourers had no Representative in that House; and to that statement he (Lord John Manners) gave an unqualified contradiction, and he did so on the authority of the hon. Member himself, for the hon. Member invited the House to accept the Bill on the ground that all the measures passed by the new Parliament were admirable measures, and would be a test of those which would be passed by a new Parliament based on household suffrage in

the counties. On the other hand, the hon. Member for the Border Burghs (Mr. Trevelyan) said, all the legislation of the last few years, as far as the agricultural labourers were concerned, was cruel, harsh, and inefficient, and he called upon the House to adopt this change in order that future legislation might meet the wants of the labourers.

MR. TREVELYAN said, he had never made any such statement. What he did say was that legislation on that subject during the period cited was not existent.

LORD JOHN MANNERS said, he could not understand how legislation could be non-existent; but, at any rate, he would leave the argument of the hon. Gentleman the Member for Hackney to answer that of the hon. Gentleman the Member for the Border Burghs. He would put aside, however, all the illustrations which had been brought forward and come to the real sum and substance of the question. Those who were in favour of this legislation must admit, with the noble Marquess who had just spoken, that two main principles were involved in it—identity of suffrage and an immense re-distribution of political power. With respect to the first principle the noble Marquess avowed that he did not abstain from voting for the Bill in consequence of it, but in consequence of its inevitable concomitant, the re-distribution of electoral power. But did it not occur to the noble Marquess and to others who maintained the principle of identity of franchise between counties and boroughs, that if they went back to 1832 to find a logical reason for such identity of franchise, all the great Liberal Leaders from 1832 to 1874 had been in a fog of Cimmerian darkness with respect to it? No Liberal statesman could be mentioned who, while in office, even allowed identity of suffrage to take a place in his thoughts. They always maintained that there was an essential difference between the borough and county franchises, and they never admitted that household suffrage in boroughs ought to lead to household suffrage in the counties. They could not point to any one measure proposed by any Liberal Minister in which identity of suffrage found any place at all; and therefore in the extremity of argument some speakers had turned round on his right hon. Friend at the

*Lord John Manners*

head of the Government, and seemed to say to him—"In 1859 you proposed to assimilate the county and borough franchise, and therefore we now call upon both sides of the House to assimilate the household franchise in counties with the household franchise in boroughs." But what was the result of the proposal made by the Government of Lord Derby? Did it find favour with the Liberal Leaders and statesmen of that day? Why they all knew of the storm of Liberal opposition which was raised against it. And since it came to the turn of the Leader of the Liberal Party to propose reform in Parliament, identity of suffrage had disappeared, and the proposals made were to reduce the county and to reduce the borough franchise. Certainly in 1866 they had something more. The Parliament of that day was very much divided in opinion as to what reduction of the representative franchise ought to be made. But there was no contention in favour of identity of franchise, and Parliament passed a solemn Resolution, which had had a very practical effect ever since, to the effect that any great enfranchisement which might be made must be accomplished by a great re-distribution of political power. That Resolution was adopted and carried into effect in the Reform Bill of 1867, when a great change was made in the county and borough franchise, and a very considerable alteration and re-distribution of representative power, accompanied that measure. Now, however, they were told, according to the right hon. Gentleman opposite the Member for Bradford, that this principle of identity of franchises which would increase enormously—beyond all proportion—the number of voters for the counties must be adopted, but that they must put off to a future day that re-distribution of political power which the leaders of all sections of political parties in the House had declared to be the inevitable concomitant of a great extension of the franchise. The right hon. Gentleman said—"Pass this measure now, and consider hereafter the re-distribution which must follow. If you take it in time, it will probably be not so great as if you leave the principle of identity of franchise to some future day." Well, that was a sort of argument with which they were all familiar. The right hon. Gentleman threw no light on the amount of re-dis-

tribution which he thought would be required. The hon. Member for Hackney, however, had not concealed from the House that it must be a very extensive re-distribution. The hon. Gentleman who was responsible for the Bill, and who appeared to be ready to take command of the party as Liberal Chief, and who had given the noble Marquess a sort of preliminary notice that if he did not go along with him on that occasion he would find the Liberal Party giving unmistakable expression to their indignation, and who assumed to-day the command of the left wing of the Liberal Party—the hon. Gentleman, conscious as he was of the enormous magnitude of the change he proposed, knew well that had he ventured to introduce into his measure a clause carrying out its legitimate and necessary consequence, he would not have found one single Gentleman on his own side of the House to act as Teller with him. Well, such being the patent facts of the case, could the House of Commons doubt the conclusion to which it should come? He put aside all question as to the delay and postponement which would occur in the case of those important social measures which still awaited their consideration, and to which the country were looking forward with so much interest, and also all consideration as to the Dissolution of Parliament and changes of Government which might follow so sweeping a change. He simply pointed to the inconvenience of the House being called upon to consider the first and the least important and difficult part of the question in this fragmentary manner. Supposing that the House were to encourage and adopt the measure the inevitable result would be that there would be found a new House of Commons still less accessible to men of small or moderate means, and a House still more accessible to men of wealth, or persons commanding local influence; that in a new Parliament constituted as the hon. Member for the Border Burghs would have it constituted, there would be an uniform and unvaried array of men of wealth and local power returned by uniform and unvaried constituencies in which the old element would be absorbed and outnumbered. For these reasons, without going into the many other points which might be urged, he hoped the House would give a decided



1st June every year an annual return of the receipts and expenditure, funds and effects of the Society; that there be made to the Registrar a quinquennial return of sickness and mortality during the preceding five years; and further that there should be every five years a valuation of the assets and liabilities of the Society, to be valued by a valuer appointed by the Society, and transmitted to the Registrar, who might cause the return to be valued and reported on by an actuary, and transmit the result of the investigation to the Society. The liberty granted to Societies to provide their own auditors was, perhaps, not perfectly satisfactory in itself; but all the leading Societies were making great efforts to put their affairs on a thoroughly sound footing, and they would no doubt largely avail themselves of the facilities which were offered for having the services of a public auditor. In this movement the Manchester Unity, which comprised over 400,000 members, administered large funds, and had a very effective organization, was taking the lead; and, indeed, if all Societies displayed the same amount of public spirit as that great body there would be no need for the Bill, and what the Bill sought to do was to give to every Society facilities for becoming equally good. It might be asked why, in dealing with the registered Societies, they did not deal more stringently with the unregistered Societies over which at present they had no control? But the Bill did deal very largely with that class of Societies. A limit was put upon the amount for which assurances on the lives of children could be effected in Burial Societies; and it was further provided that no payment should be made in respect to the death of a child without the signature or counter-signature of the Registrar of Deaths being attached to the medical man's certificate. Moreover, a check was also imposed on the multiplication of assurances of infant lives in different Societies, with a view to guard against existing evils. In the case of the "collecting Societies" likewise there were some stringent provisions to prevent abuses. In return for being subjected to those restrictions, Friendly Societies would obtain various advantages, among which were greater freedom of investment, open nominations, the power of authorizing officers to be sued instead of

trustees, and an improvement of machinery generally. Though the Bill was founded on the Report of the Commissioners, it was right to say that their recommendations had in some respects been departed from; but those were matters more suited for discussion in Committee than on the second reading. There were reasons which made it especially desirable at the present time to legislate in reference to those Societies, which had now been known to the law for about a century. The wages, not of the skilled artizan or the miner only, had of late years greatly increased; but the earnings of the agricultural population, and, indeed, of the working classes generally throughout the country, had also been largely raised, and it was to be hoped that with the spread of education there would be an increased disposition on the part of the working classes to lay by a portion of their earnings. It was therefore all the more necessary to stimulate thrift, prudence, and above all a sense of independence among those classes, and also, as far as possible, to place their organizations for self-help on a proper and an enduring basis. He thought that if they succeeded in passing a measure which would give the working classes increased facilities for safe investment, diminish the public burdens, and stimulate industry and habits of economy, they would greatly increase the happiness of the subjects of the Queen.

*Moved, "That the Bill be now read 2'."*  
—(*The Lord Steward.*)

LORD ABERDARE said, he thought the noble Lord, without wasting time in going through the provisions of the Bill, had compressed a great deal of very valuable information in a very small compass. He desired to offer a few observations on the measure now before their Lordships, which he regarded as possessing some disadvantages as well as advantages. It might be difficult to answer the arguments of those who thought that the State ought not to meddle with those institutions, except that there existed a strong desire on the part of the Societies themselves that the Government should interfere to a great extent. On the other hand, there were those who were in favour of a much larger measure of interference than that now proposed. His notion



was that it would be well that a separation should be made between Societies which were established for the benefit of its members on a large scale and Burial Societies, which allowed the insurance of small sums for the purpose of meeting an occasional expense. Again, of the larger Friendly Societies there were two classes—one local, and the other carrying on business by means of collectors in counties distant from the central office. These latter societies comprised 500,000 members, and very naturally, considering their enormous extent, many evils had sprung up in connection with them. The evils were not confined to faulty management; in the minds of the Commissioners there had been a distinct conviction that the operations of the Burial Societies had a tendency to increase infant mortality. An evidence of the strength of this conviction was their recommendation that there should be no insurance of children who were under three years of age. With respect to the question of infant life, he confessed it was surrounded with great difficulty. In the large towns where these Societies existed there was a large amount of infant mortality which could not be explained on ordinary grounds. On the other hand, much of it seemed to be preventible. He did not impute to the working classes in general an indifference to the health of their children, but there could be no doubt that in some circumstances which were not of infrequent occurrence, the fact of the lives of the children being insured had a tendency to bring about that indifference. There was evidence that the Act of 1858, which limited the amount for which those lives might be insured, had had a beneficial result in this respect. Any Bill which was now passed ought to have for one object a still further diminution of the evil. Not wishing to go the length of the recommendation of the Commissioners, Government at first proposed to limit the amount of insurance in such cases to 30s. or 40s.; but, yielding to representations, they fixed it in the present Bill, as originally submitted, at £3. While the measure was under discussion in the other House, they consented to raise it to a still higher figure. They had therefore been driven by the action of the Societies from position to position, and it was for their Lordships to con-

sider whether it would not be wise in this matter to adopt some middle course. In his opinion, the sum ought to be one which would cover the legitimate expenses of the funeral and leave no margin. It was admittedly desirable to prevent multiplied insurance, but it seemed to him there was nothing in the Bill which would keep persons from going to distant Societies and insuring the lives of their children as often as they pleased. In reference to the subject of registration, he regretted that one of the recommendations of the Commissioners had not been acted on—namely, that the Registrars should be prepared not only to perform the executive duties of their office, but to offer advice in certain cases. He thought, however, while the Registrar should be prepared to give advice to those having the management of these Societies, yet that he should not go too far and interfere too largely with the self-government of these institutions. Thus, for instance, where the rules of a Society were beyond all question bad, and certain to bring the association to an untimely end, the Registrar should call the attention of the managers to the fact; but he should not be called upon to frame fresh rules for their guidance. The proposal that the central office should publish tables for the use of these Societies entirely met with his approval, because he had no doubt that such tables would be prepared by those who had a thorough knowledge of the circumstances of the men who joined these associations. But while it was important that correct tables should be framed, it was impossible that the Government should insist on their adoption. He believed that it would be possible, without giving alarm to the Societies in reference to undue interference, to strengthen provisions for a better audit and valuation. He thought that the Registrar should have power to refuse to act upon an audit that he knew to be unsatisfactory. No doubt, some of the great Societies, like the Manchester Unity, the Foresters, and others, had greatly improved their position without the assistance of the Government; but still Societies, like individuals, were apt to shirk the duty of looking into their affairs. He regretted that the Bill did not attempt to carry out the recommendation of the Commissioners by extending the system of the

Post Office Deferred Annuities, the advantages of which Mr. Scudamore had endeavoured to make known to the working classes. He considered the Bill a substantial improvement upon the existing state of things, and only regretted that in some directions it did not go further.

THE EARL OF MORLEY observed that the audit and the valuation were the keystone upon which the Bill rested. A vast number of these Societies were unsound, chiefly from two causes—faulty management and faulty tables. The only cure for the former was the having an independent audit; whilst a proper valuation would tend to the correction of faulty tables. He doubted whether the penalties contained in the Bill would be sufficient to secure conformity to it. It was not the large Societies so much as the small ones which required an efficient audit; but such an audit would probably cause many Societies to be placed upon a far sounder footing than they occupied at present.

EARL BEAUCHAMP assured the noble Earl that the question of audit had not been overlooked by the Government.

*Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Thursday next.*

#### INDIA—UNCOVENANTED CIVIL SERVANTS.—QUESTION.

VISCOUNT MIDLETON asked the Secretary of State for India, Whether any decision has yet been come to with regard to the new rules affecting the leave of the Uncovenanted Civil Servants in India, whose cases had remained undecided since last year; and, if not, what had become of the list of uncovenanted Civil Servants in Bengal which accompanied a despatch from the Government of India, dated the 26th of May, 1874, and upon whose cases the decision was deferred until the receipt of further information from that Government, while the list from the Province of Oude was accepted, and the officers named in it admitted two years ago to the benefit of the new rules? The Uncovenanted Civil Servants of Bengal felt very much the position in which they were placed with respect to furlough, in comparison with their fellows of Oude. He might mention an instance

of a distinguished engineer, who had been placed by the Government in a position of great trust in India, and who, in consequence of the rules to which he referred not having been promulgated, found himself actually much worse off than many of his own subordinates. Now, he thought their Lordships would be of opinion that, both on moral and physical grounds, it was of the utmost importance that proper leave should be granted to the Uncovenanted Civil Servants of the Crown in India. He was sure his noble Friend, therefore, would deem it to be his duty to settle the matter as soon as possible.

THE MARQUESS OF SALISBURY thought his noble Friend was under some misapprehension as to the exact nature of the prospect which had been held out by the Duke of Argyll with respect to the furlough of the Uncovenanted Civil Servants in India. The noble Duke intimated on two or three occasions to the Government of India that those Uncovenanted Civil Servants who had been appointed from this country ought to enjoy the advantage of certain leave rules more favourable than those which applied to the mass of the Uncovenanted Civil Service. He, at the same time, stated that there were probably special persons who, on account of their particular merits, or the importance of the posts they occupied, might be admitted, if the Government of India deemed right, to similar privileges. But the noble Duke requested that a list of the persons specially recommended should be forwarded to him. The Government of India, however, had always hitherto experienced a difficulty in exactly understanding what it was the Home Government meant to have done; and the result was that they had never been able in the great majority of provinces to send to this country the recommendations which they were asked to furnish. His noble Friend, in putting his Question, referred to a despatch of the 26th of May, 1874. He could not tell how his noble Friend had obtained that information; but, like all ill-gotten goods, it was of no advantage to him, because he had been misled by the information which it contained. The despatch was one of a series, with lists that had been sent up—apparently under a misapprehension—by the local Governments, and they were forwarded by the Indian Go-

vernment—probably through some mistake in the office. Before, however, they reached England, they were cancelled by telegram, and withdrawn. The Government at present were not furnished with such lists as the Duke of Argyll required; but a general list of the Uncovenanted Civil Servants had been sent by the Government of India, with a request to the Home Government to determine the principle on which those leave rules were to be granted. The matter, he might add, was under consideration, and he must admit that it had dragged on for a great length of time. He hoped, however, that the correspondence with regard to it was near its termination, and that he should be able to send out precise instructions to India, which would put an end to a suspense to which he did not think it was right the Civil Servants should be exposed. He was afraid they entertained anticipations in the matter which the Duke of Argyll did not intend to create, for he had looked forward only to a very limited selection; and he himself did not wish to raise any extensive expectations, seeing that the question was one in which the Revenue of India was concerned.

House adjourned at a quarter before  
Eight o'clock, till To-morrow, a  
quarter before Five o'clock.

## HOUSE OF COMMONS,

Thursday, 8th July, 1875.

MINUTES.]—SUPPLY—considered in Committee  
—NAVY ESTIMATES—Committee—R.P.

Resolutions [July 7] reported.

PUBLIC BILLS—Ordered—First Reading—Post  
Office (Superannuation and Gratuities)\* [245].  
Second Reading—Police Expenses\* [187]; Public  
Health (Scotland) Act, 1867, Amendment\*  
[230]; Elementary Education Provisional Order  
Confirmation (London) (No. 2)\* [239];  
Local Government Board's Poor Law Provisional  
Orders Confirmation (Oxford, &c.)\* [240];  
Local Government Board's Provisional Orders  
Confirmation (Abingdon, Barnsley, &c.)\* [241].

Committee—Lunatic Asylums (Ireland) [189]  
—R.P.

Committee—Report—Tramways Orders Confirmation\* [220].

Withdrawn—Boroughs and Populous Places (Scotland) Gas Supply (No. 2) (re-comm.)\* [211].

## CRIMINAL LAW—CASE OF SAMUEL DAWSON.—QUESTION.

MR. MACDONALD asked the Secretary of State for the Home Department, If his attention has been drawn to the committal of a labourer named Samuel Dawson to the county gaol of Bedford for the period of two months in consequence of his not paying the sum of one pound sixteen shillings, a sum which was accumulated from an order to pay at the rate of one shilling per week for the maintenance of the parents of the said Samuel Dawson; whether he is aware that it was stated that the said Samuel Dawson is himself suffering from chronic rheumatism, and can barely make or get wages sufficient to keep himself and a wife who is an invalid, and that an effort was made to raise the money by distress, but that goods were not found sufficient for that purpose; and, whether, if such allegations be correct, he will take the proper steps to set the man at liberty?

MR. ASSHETON CROSS, in reply, said, he had caused inquiries to be made into the matter, and understood that Dawson earned about 15s. a-week when in work, and had to contribute towards the maintenance of his parents. As, however, there was some doubt how far the Home Office could deal with the question, the matter had been referred to the President of the Local Government Board, and it was still under consideration.

## EDUCATION DEPARTMENT—FIELD DALLING SCHOOL BOARD.

### QUESTION.

MR. DIXON asked the Vice President of the Committee of Council on Education, If his intention has been called to the election of a School Board for the united district of Field Dalling; and, if it is a fact, that the returning officer neglected to publish the notices on the door of the Methodist chapel, as required by 36 and 37 Vic. c. 86, s. 20; that the notice omitted to state the name or the residence of the persons from whom the nomination papers could be obtained; that an insufficient number of nomination papers was sent to the overseers of Field Dalling; that nomination papers could not be obtained in Saxlingham till the 8th June, though



the notice of the election was published in the district on the 4th June; that no person was appointed in the district to receive the nomination papers; that the list of candidates was published on Saturday June 12th, and that notices of withdrawal had to be delivered at Fakenham, a distance of 10 miles, by Monday June 14th, notwithstanding that there was no Sunday post in the district; whether the Education Department would sanction the customary fees payable to the returning officer where he conducts the election in an irregular manner; and, whether the Education Department will give further instructions to the returning officers to perform their duties in a legal manner?

VISCOUNT SANDON: Sir, a letter has been received complaining of alleged irregularities in the election of a school board for Field Dalling. The same reply was sent as is sent in all similar cases, in accordance with the office rule laid down when the right hon. Gentleman the Member for Bradford (Mr. W. E. Forster) was Vice President, and which he announced in this House. The simplest answer I can give is to read the short reply which was sent—

"My Lords do not consider they have the machinery to inquire into local disputes as to the validity of an election. If you consider that you have ground to complain of the election for Field Dalling and Saxlingham, you can raise the question of the right of the persons elected to act as members by filing an information in the nature of a *quo warranto*. As their Lordships are not prepared to exercise jurisdiction in the matter, they do not think it would be proper to offer any opinion on the question you ask."

The House is well aware of the extreme delicacy of election inquiries, and of the nice points upon which they turn, and will, therefore, I think, consider this decision a wise one on the part of an administrative department. The legal proceedings here suggested have been taken recently in the case of Hedworth, Monkton, and Jarrow, before the Queen's Bench, and in that case the decision as to the remuneration of the Returning Officer was suspended, as it would be in similar ones. We are, of course, anxious that Returning Officers should perform their duties in a legal manner, but, having had remarkably few complaints on this head, we have no reason at present to believe that any further instructions are needed.

*Mr. Dixon*

#### MERCANTILE MARINE—RULE OF THE ROAD AT SEA.—QUESTION.

MR. GOURLEY asked the President of the Board of Trade, When the Departmental Committee appointed to inquire into the Rules regulating the Rule of the Road at Sea are expected to make their Report; and if, prior to the conclusion of the investigations of the Committee, he will cause to be added thereto a few experienced steam and sailing collier shipmasters, who have daily experience of the working of the Rule?

SIR CHARLES ADDERLEY: Sir, the Departmental Committee on the Rule of the Road at Sea are at the conclusion of their work. Their Draft Report is already in my hands. There are, however, men among them eminently answering to the description of the proposed addition to their number as men of first-rate practical experience, and I do not think the addition of collier shipmasters would have added to their authority.

#### PARLIAMENT—PUBLIC BUSINESS—SHERIFF COURTS (SCOTLAND)

(No. 2) BILL.

##### QUESTION.

MR. ANDERSON asked the First Lord of the Treasury, If, considering that the Sheriff Courts (Scotland) (No. 2) Bill is the most important Bill proposed specially for Scotland by the Government this Session, and that the Lord Advocate, on the part of the Government, promised so far back as the 28th of April to press through that Bill, and on that pledge No. 1 Bill of the same title was then withdrawn, he will arrange to give the above Government Bill first place on an early day?

MR. DISRAELI: Sir, in answering the Question which the hon. Gentleman put to me some days ago I agreed with him as to the importance of the measure, and I also shared his anxiety that the measure should pass. But the expression of sympathy on my part was described by the hon. Gentleman as discourteous. I can, however, give him no other answer than I did the other day. I think it desirable, and very desirable, that this Government measure should pass; but there are still more important Government measures which take prece-

dence of it, and when they are passed I will take care that this Bill is proceeded with.

MR. ANDERSON said, there was no Government pledge as to the other more important measures.

#### IRELAND—THE IRISH REPRODUCTIVE LOAN FUND ACT.—FISHERIES.

##### QUESTION.

MR. O'CONNOR POWER asked the Chief Secretary for Ireland, If it is true that the Act authorising the issue of loans to the Irish Fisheries from the Reproductive Loan Fund is practically inoperative in the fishing districts on the coast of Mayo, and that loans which were certified for by the fishery inspectors in the district of Molranny more than two months ago have not yet been issued?

SIR MICHAEL HICKS-BEACH: Sir, it is not true that the Act authorizing the issue of loans to Irish fishermen from the Reproductive Loan Fund is practically inoperative in the fishing districts on the coast of Mayo. The first recommendations for loans to be granted in the district alluded to by the hon. Member were forwarded to the Board of Works early last month. Forms have been issued by the Board of Works with regard to all loans recommended for County Mayo, requesting compliance with certain provisions which they deem necessary for the legal and satisfactory execution of the promissory notes for these loans, but in very few cases have replies yet been received to these forms. I may add generally that this Act has imposed upon the Board of Works and Inspectors of Fisheries novel duties, which, while the Act is being first brought into operation, make a considerable addition to their work; and however much it may be regretted that delay should occur in the issue of these loans, I think it will be admitted that the Departments concerned would fail in their duty if, in order to save time, they had neglected to make the most careful inquiry into the *bond fides* of the applications for loans, and to insure as far as possible the repayment of the money advanced.

#### POST OFFICE—TELEGRAPHS IN COUNTY MAYO.—QUESTION.

MR. O'CONNOR POWER asked the Postmaster General, If any steps have

been taken to establish telegraphic communication between the principal towns in the barony of Erris, county of Mayo, in accordance with suggestions recently made to him, and which he promised should be carefully considered?

LORD JOHN MANNERS, in reply, said, that the question had received very careful consideration; but as the cost of the extension would greatly exceed the estimated revenue, he could hardly hold out a hope that new offices would be established.

#### INDIA—OUR RELATIONS WITH BURMAH.—QUESTION.

MR. GRANT DUFF: I may, Sir, perhaps be permitted, in explanation of the Question which I am about to put, to state that I put it in consequence of the rumours which have prevailed very much during the last two or three days—rumours which I trust will turn out to be exaggerated—as to our having suffered a diplomatic check, or something like a diplomatic check, in Burmah, that being a country in which we cannot afford to receive a diplomatic check. I beg, therefore, to ask the Under Secretary of State for India, Whether he is able to make any statement with reference to the recent negotiations with Burmah and the present state of our relations with that country?

LORD GEORGE HAMILTON: Perhaps, Sir, I may remind the House that not very long ago I stated that certain disagreements had arisen between the Government of India and the King of Burmah, and that Sir Douglas Forsyth had been sent to Mandalay with the view, if possible, of accomplishing an amicable settlement of those differences, and I think that we have every reason to believe that as regards the earlier matters in dispute between the Indian Government and the King of Burmah a satisfactory settlement will be achieved. But the recent attack in Chinese Burmah upon the English Exploring Party, the murder of Mr. Margary, coupled with the very cordial reception accorded by the King of Burmah to the Chinese General Li-see-Tahi, whom we have reason to believe was not only implicated in, but was the author of, the attack, rendered it necessary that the Indian Government should insist that the King of Burmah should place no obstacles in

our way in obtaining redress for that outrage. The King of Burmah has taken this opportunity of refusing the permission which has been given to previous expeditions—namely, to allow the passage of British soldiers through his territory. I hope and believe that the King of Burmah will yield to our just demands, and that no collision will take place; but the negotiations, as my hon. Friend is aware, are still in progress. Perhaps I may be permitted to reply to the two hon. Gentlemen who propose to put Questions to me on the matter—the hon. Member for Kirkcaldy and the hon. Member for Merthyr Tydvil (Mr. Richard). [Sir GEORGE CAMPBELL: I was about to postpone my Question.] The hon. Member for Merthyr Tydvil asks when the Papers relating to the dispute with Burmah will be published; and, whether they will contain any information concerning the demand made by the Government of India for permission to send British troops through Burmese territory, and the reasons given by the King for his refusal to comply with that request? While the negotiations are pending it would be detrimental to the public service to make public Papers relating to those negotiations, and as Papers are on their way from India and have not yet arrived at the India Office I cannot state what those Papers contain. One of the main aims of the Government—that there is no wish on the part of the Government to withhold from the public any information, and that so far as the Papers relating to these negotiations relate with information on the general subject of India, they will be published.

THE PAPACY.—[SIR GEORGE CAMPBELL:]

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£1,600 a-year; and, whether he can state what covenants are contained in such lease as to the repair and maintenance of the said messuages, and if he has given his sanction to this purchase as a proper and a judicious investment of public money?

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that the Government had purchased two freehold ground rents with the reversions in 85 years. The houses had recently been re-built, and now let at a rental of £4,360. The freehold ground rents secured upon this 85 years' reversion were offered for £1,600. They were in the possession of the vendors, and they stipulated to pay that amount for 25 years. There were the usual covenants in the lease as to repairs, &c. The purchase was sanctioned by the late Government, and the result was that Her Majesty's Commissioners of Woods and Forests received an immediate return of 4 per cent for their money, instead of 3½ per cent.

THE PAPACY.—[SIR GEORGE CAMPBELL:]

Mr. DILLWYN (for Mr. Waddy) asked the First Lord of the Treasury, Whether his attention has been called to the language used by the Lord Chief Justice of England in giving judgment in the case of *O'Keefe v. Cullen* heard on the 10th and 11th of February 1879, in the Queen's Bench Division—

"The Court," said the learned Judge, "in this case, is called upon to decide whether or not the defendant is liable to the plaintiff for the loss of the plaintiff's property, which was destroyed by fire, and which was insured by the defendant, and which was not insured by the plaintiff."

and what notice is given to the plaintiff of the defendant's liability, and whether the defendant is liable to the plaintiff for the loss of the plaintiff's property, which was destroyed by fire, and which was insured by the defendant, and which was not insured by the plaintiff."

THE CHANCELLOR OF THE EXCHEQUER, in reply, said, that the Government had purchased two freehold ground rents with the reversions in 85 years. The houses had recently been re-built, and now let at a rental of £4,360. The freehold ground rents secured upon this 85 years' reversion were offered for £1,600. They were in the possession of the vendors, and they stipulated to pay that amount for 25 years. There were the usual covenants in the lease as to repairs, &c. The purchase was sanctioned by the late Government, and the result was that Her Majesty's Commissioners of Woods and Forests received an immediate return of 4 per cent for their money, instead of 3½ per cent.



cumstances it is desirable not to ask Questions in this House founded upon the case, or to enter into details, since opportunities of fuller information may hereafter be afforded. With regard to the general inquiry, I can only say that if sufficient evidence is given to me that the Pope or any foreign Power is interfering with

"the administration of justice in this country, the rights of individuals in public employment, and the conduct of public affairs in Government Departments,"

I shall consider it deserves the gravest consideration.

MR. MITCHELL HENRY asked whether the right hon. Gentleman would also consider the effect upon the Commissioners of Education, a public body in Ireland, of which some of the Judges were members, of these imputations by the Lord Chief Justice?

MR. SPEAKER: The Question involves a matter of argument, and cannot therefore be put.

#### EDUCATION DEPARTMENT.—NORMAL SCHOOL TEACHERS.—QUESTION.

MR. J. G. TALBOT asked the Vice President of the Council, Whether his attention has been drawn to the fact that whereas in the Minute of the 21st December 1846 teachers of "normal" and "elementary" schools are put upon the same footing with regard to pensions, no mention is made of teachers in normal schools in the Minute of the 26th of June 1875; and, whether the Privy Council will take the case of teachers in training colleges into their favourable consideration?

VISCOUNT SANDON: Sir, it was not our intention to treat, as regarded pensions, the certificated teachers of normal schools differently from those of the elementary schools. If, therefore, it should appear that there is good ground for supposing that their claims could not be considered under the Pension Minute recently issued, we will take care to set the matter right.

#### THE JESUITS.—QUESTION.

MR. WHALLEY asked the First Lord of the Treasury, with reference to the Motion for a Committee for Inquiry as to the laws relating to Jesuits, the discussion of which was interrupted by a count-out on the 6th instant, Whether

he will be good enough to state specifically what further information he requires as to the operations of this Order beyond the fact that Cardinal Manning has declared that they are the leaders of the great Catholic Mission in this country, and that the object of that Mission is to "bend or break the Imperial power of England into submission to the Papacy?"

MR. O'CONNOR POWER rose to Order. He wished to know the authority of the hon. Member for the statements contained in his Question.

MR. WHALLEY said, they were reported in *The Tablet* newspaper, 20th July, 1872.

MR. DISRAELI: The hon. Gentleman inquires whether I want any further information on the subject of the Jesuits than that conveyed in some remarks of his own which he was prevented from continuing owing to the House being unfortunately counted out. I beg to tell the hon. Gentleman that if I want further information upon this subject I know where to get it.

Afterwards—

MR. WHALLEY said: Considering the importance of the subject involved in the Question, I hope I may be allowed to point out that the right hon. Gentleman has not really given me any reply. ["Order, order!"] My Question was, whether the First Lord of the Treasury did require any further information? ["Order, order!"]

MR. SPEAKER: The hon. Member having already put his Question and received a full Answer, it cannot be put again.

#### NAVY—CHIEF NAVAL INSTRUCTOR—THE "BRITANNIA" CADET SHIP. QUESTION.

CAPTAIN PIM asked the First Lord of the Admiralty, Whether it is true that the appointment of Chief Naval Instructor on board Her Majesty's ship "Britannia" has been filled up by the appointment of a young clergyman, the Rev. J. Aldous, who took the degree of nineteenth wrangler at Cambridge in 1872, and has since filled the post of mathematical sixth master at Shrewsbury School; whether it can be the case that no one was eligible to fill this post out of the thirty-six chaplains and naval

instructors and thirty naval instructors now on the Navy List; whether it is true that exceptional pay and rank has been given to Mr. Aldous; and, whether he will have any objection to state what terms have been made with Mr. Aldous?

Mr. HUNT, in reply, said, he had filled up the vacancy in this appointment upon his own responsibility, and because he thought it conducive to the public interests. He must decline to go into the question of the comparative merits of Mr. Aldous and of the other gentlemen alluded to by the hon. and gallant Member. To do so would be highly invidious. Mr. Aldous had the same rank and pay as his predecessors, and had been placed by the Treasury under the fourth section of the Superannuation Act.

#### THE INDIAN BUDGET.—QUESTION.

SIR THOMAS BAZLEY asked the Under Secretary of State for India, Whether it be his intention to introduce, within the present month, or when, the Indian Budget?

LORD GEORGE HAMILTON, in reply, said, it was not in his power to fix a day for the Indian Budget. The Government were very anxious it should be introduced at an earlier day than usual this year, and with that object it had been published at an earlier day in Calcutta. Owing to the slow progress of Public Business, the Government had not yet been able to realize their intention; but in the course of a few days he hoped to be able to give a more satisfactory answer to the Question.

#### NAVY—DOCKYARD LABOURERS.

##### QUESTION.

MR. E. J. REED asked the First Lord of the Admiralty, If it is true that established labourers in Her Majesty's dockyards, who have been engaged for long periods as skilled labourers, and have received the corresponding increased rate of pay, when pensioned nevertheless have their pensions based only on the lower rate of pay of ordinary unskilled labourers; whether in October last a Petition on this subject from Pembroke dockyard was submitted to the Admiralty in accordance with their Lordships' regulations, but received no reply; and, whether he will take

*Captain Pim*

the case of this humble class of workmen into consideration, and make some arrangement by which their pensions may be regulated, as the pensions of more highly paid persons usually are, viz., according to the rate of pay they have been receiving for a fixed period previous to superannuation?

Mr. HUNT, in reply, said, it was true that certain labourers engaged for some time as skilled labourers, and receiving extra pay as such, had received pensions on the lower rate of pay; but the rule was one laid down by the Treasury that pensions must be calculated upon the basis of the established rate of pay. These men, therefore, had not been treated in an exceptional way. A Petition on the subject had been received from Pembroke; but as some alterations in the establishment were going on, no final answer had been given.

#### NAVY—NAVAL COLLEGE AT DARTMOUTH.—QUESTION.

MR. EDWARDS asked the First Lord of the Admiralty, Whether, in view of the Report of the Medical Director General of the Navy which has been laid upon the Table since the discussion on the subject, it is intended to proceed with the purchase of land and the erection of a Naval College at Dartmouth, without giving the House a further opportunity of considering the expediency of the proposed scheme?

Mr. HUNT, in reply, said, that the views of the Medical Director General with regard to the climate of Dartmouth were freely given in evidence before the Committee, and they were quoted by the hon. Gentleman the other night in the debate. His Report added nothing whatever to his evidence. He (Mr. Hunt) intended to propose the necessary Vote for building the Naval College, and if the Committee of Supply granted the money the work would be proceeded with.

#### SUPPLY.

Order for Committee read.

Motion made and Question proposed.  
"That Mr. Speaker do now leave the Chair."

VISIT OF H.R.H. THE PRINCE OF  
WALES TO INDIA.

## MINISTERIAL STATEMENT.

**MR. DISRAELI:** Mr. Speaker, in rising to move that you do leave the Chair, I will take this opportunity of making the statement which I promised on a former evening respecting the contemplated visit to India of His Royal Highness the Prince of Wales. The House is aware that His Royal Highness has for some time contemplated a visit to our Indian Empire. His Royal Highness, as the House knows, is a great traveller; there are very few countries which he has not visited; but I need not dwell on the great importance of travel to a person filling the high and responsible post which His Royal Highness does. I would not say, as a great writer has said, that "travel is the best education;" but I think I may venture to say that travel is the best education for Princes. His Royal Highness, particularly, has always felt an interest in the dominions of the Queen, and it was therefore fitting that he should make that memorable visit to Canada, which both to the Canadians and to himself was equally satisfactory. His Royal Highness now contemplates travels of a more extensive character. The House must be aware that the rules and regulations which were adopted, and which recently prevailed in the visit to our own Colonies, would not be adapted to a visit to India—an ancient land of many nations. In the Colonies His Royal Highness, generally speaking, met a population who were of his own race—I might say of his own religion, his own customs, his own manners. In India he will have to visit a variety of nations, of different races, of different religions, of different customs, and of different manners; and it will be obvious to the House that the simplicity of arrangement which might suit a visit to our own fellow-subjects in the Colonies would not equally apply to the condition of India and its population. There is one remarkable characteristic of Oriental manners, well known to Gentlemen in this House, which did not prevail in the previous travels of His Royal Highness to any great extent—that is, the exchange of presents between visitors and their hosts. This is

a custom so deeply rooted in Oriental, and, I may say, particularly in Indian life, that although it was obvious to the old Government of India by the Company that it was one which might lead to great corruption, although the Government of the Queen which succeeded have been animated by the same conviction, and although they prevented those they employed from materially benefiting by this custom, because the latter relinquish the presents and State gifts which they receive, still they found it impossible formally to terminate it, and it has attained an important development among the Indian population. Well, the Council of India upon this point received an intimation, or more than an intimation, from the Viceroy that mere presents of ceremonial, which have of late years been discouraged, need not, in the opinion of his Excellency, be adopted in the present case. But I may remind the House that, although an arrangement of that kind might be effected, still His Royal Highness is about to visit immense populations—populations of upwards of 200,000,000 souls, and that he will be the guest, or make the acquaintance, of many Chiefs and Rulers; that there are among these great populations, I believe, at least 90 reigning Sovereigns at this time; and no doubt His Royal Highness must be placed in a position to exercise those spontaneous feelings, characteristic of his nature, of generosity and splendour, which his own character and the character of the country likewise requires to be gratified. I mention these circumstances in passing. The House is aware that by the arrangement now prevailing in India, if a present is received by any one employed by the Government of the Viceroy, that present is yielded up to the Government; that it is dealt with by a particular Department of the State; that it is sold, and the proceeds of the sale placed to the account of the Government. I think the House will agree with Her Majesty's Ministers that there would be something most undignified, something most distasteful, if on a visit like this by the Heir to the Crown of Great Britain any details of this kind should be entered into. I hope, also, that the House will agree with another conclusion of Her Majesty's Ministers—namely, that really it would be advisable, if we can arrange it—and I think it can be ar-



ranged—that this question of presents should not be the subject of any discussion whatever. I think we can make arrangements that we should not even come to a specific vote upon a subject of that character, for it is impossible not to see that all the grace and dignity of gifts are lost if those who receive them are aware of that too mechanical and common-place manner in which things are arranged which should spring from the spontaneous feeling and impulse of the donor. Having made these few observations, I will now tell the House what are the arrangements which we propose to make, and in which the House, of course, will be deeply interested. The duration of the visit of His Royal Highness will be probably six months, and, as far as I can form an opinion, he will leave Europe about the middle of October. About the 17th of October, I think, the *Serapis* and the *Osborne* will be at Brindisi. The *Serapis* is fitted up for the accommodation of His Royal Highness and suite; the *Osborne* attends the *Serapis*, first of all in case an accident should occur, which I trust will not be the case; and, secondly, because when they enter the great rivers of India, the *Serapis* will not have that draught of water which would allow her to advance. Besides this, the detached squadron has been ordered, under Admiral Lambert, to rendezvous at Bombay, both in order to strengthen the Indian station and to give that pomp and circumstance which becomes the Heir of one who, I hope, is still the “Sovereign of the Seas.” Whether the detached squadron will meet the Prince at Bombay or Aden is not yet settled, and I think it is a point which must be left to the decision of His Royal Highness. My right hon. Friend the First Lord of the Admiralty will place upon the Table an Estimate of the expenses of the visit, as far as the Navy is concerned. That Estimate for carrying the Prince and his suite to India and bringing them home in due time will be about £52,000, about four-fifths of which must fall upon the present financial year, and the other fifth upon the one that follows. When His Royal Highness touches the Indian soil he becomes the guest of the Viceroy. The Viceroy has strongly expressed the opinion and the wish that this should be the case. He is deeply interested in the visit of the Prince, which he has approved from the

first, and has expressed, in language which I have read, that it would be of great benefit to this country and to India. But although the Prince is to become the guest of the Viceroy in India, the expense to the Indian Government will not be too considerable, for it will be confined to the rites of hospitality. I do not know that it is necessary for me to give the House an estimate of that cost to the Indian Budget. I am not in any way responsible for that, though I may say I have seen an estimate, and it is not one of very considerable amount. A sum of not more than £30,000 has been casually mentioned. It is my duty to inform the House of the position in which His Royal Highness visits India. He does not go there as the Representative of Her Majesty, but as the Heir Apparent of Her Crown. It is, therefore, obvious that some difficulties which, under other circumstances, might be contemplated as arising from the position of the Viceroy and His Royal Highness cannot prevail in the present instance, because no one has been so earnestly anxious for this visit as the Viceroy himself, and no one has been more careful and fruitful in devising expedients which may secure for His Royal Highness that position which would satisfy the country and himself. For reasons of this kind it has been arranged that His Royal Highness shall hold an investiture of the Order of the Star of India, which will probably be the most important ceremony in which the Princes and Chiefs of India will participate. There are many other things by which I feel convinced that, without taking a step which would be full of political inconvenience, by interfering in any way with the legal and constitutional character of the Viceroy, His Royal Highness will be placed throughout his travels in a position which will impress the mind of India with his real dignity and influence. I have shown to the House what will be the expenditure incurred in carrying the Prince to India and in preparing and securing his return to this country. I have intimated to the House the possible expenditure which will be defrayed by the Indian Treasury during the time His Royal Highness is in India, and which, as I have observed, will be limited to the rites of hospitality; it is necessary for me now to tell the House the sum we think it necessary to propose

that the House should vote for what I may call the personal expenses of His Royal Highness. I do not wish in any way to advert again to the subject of presents. We consider that His Royal Highness should be able in a manner worthy of his character and position to gratify all those impulses for which, under the circumstances of this case, when he becomes the guest of those Indian Chiefs, and often not only the sharer of their hospitality, but of their pastimes, he should be properly provided, and the amount we propose to move in Committee on the first fitting opportunity is the sum of £60,000. We believe that is a sum which will allow His Royal Highness to accomplish all that he can reasonably desire, and will maintain his position with becoming splendour. We propose, also, that that sum should be subject to an audit, and that the auditor should be Sir William Anderson — a name well known to the House. He will be in constant communication with the Chancellor of the Exchequer, but the accounts will be strictly confidential. The money will be expended on the responsibility of Her Majesty's Government, and we appeal with confidence to the House to agree to the arrangement we have made. I do not know that there is anything I need add further than to express a hope that Providence will keep guard over this precious charge, and that His Royal Highness may, after his visit to India, return to his native land with that enlarged experience which becomes the Heir of Empires.

THE MARQUESS OF HARTINGTON: I rise for the purpose of asking the right hon. Gentleman whether he can give the House any information as to the date when it may be probable the discussion on these Estimates will be taken; for although I am quite sure no discussion of the proposal will occur in the sense of hostile or captious criticism, yet, as there are many Members in this House who have very considerable experience of Indian affairs, some of them might desire to offer suggestions which might be gratefully received by the Government. I have said I do not propose to discuss the statement which the right hon. Gentleman has made; I will only say that I believe the House and the country received with very great satisfaction the announcement which was made some time ago that it was the intention of His

Royal Highness the Prince of Wales to avail himself of the greatly increased facilities which now exist for visiting Her Majesty's dominions and the allied Sovereigns of India, and that the satisfaction with which that announcement was at first received has not, on further consideration of the project, been in any way diminished. As to the mode in which the visit should be conducted, I think the country had only two subjects of anxiety, and the House reflected in that the opinion of the country. I think the country and the House were anxious, in the first place, that the arrangements for His Royal Highness's visit should be made on a sufficiently liberal scale; and, secondly, that the Indian finances should not be called upon to bear any part of the expenses excepting what would unavoidably fall upon them. I think the statement of the right hon. Gentleman has been satisfactory, at all events on the latter point. Of course, the Government must have greater facilities than any Member of the House can have for forming an opinion as to the sum which it is probable will be required to pay the expenses of His Royal Highness's visit. The sum named by the right hon. Gentleman does not certainly appear to be a large one; it is one which the public expectations have considerably increased; but the House, I think, will feel that the responsibility of proposing what is necessary for making all proper arrangements on this subject must rest on the Government; and the Government must, I am sure, be aware that any reasonable Estimate they might think it necessary to lay on the Table will be cheerfully accepted by the House. I have only one other observation which it is at all necessary I should make; I think the House will have received with satisfaction the statement of the right hon. Gentleman that His Royal Highness is not to visit India in any way as the representative of Her Majesty. The visit, I believe, will do good both in this country and in India. I think it will be far better that His Royal Highness should visit India in a semi-official character rather than in an official character; but, at the same time, the arrangements made for his travels throughout India should be made with sufficient and becoming liberality. The House will probably appreciate the spirit in which the remarks of the right hon. Gentle-



man have been made on the subject of presents. It is, I conceive, impossible, in the circumstances of this visit, and considering the customs which prevail in India, that His Royal Highness should not do as other travellers do—receive and make presents; but anything like a detailed statement of the expenses of that part of the arrangements would detract from the dignity and propriety of the occasion. I believe it may not be impossible for the Indian Government to impress on the minds of the dignitaries His Royal Highness will visit that the presents which His Royal Highness would desire to receive should not be of any intrinsically costly character, but should rather be interesting specimens of the products and manufactures of the country. If that could be accomplished there would be no necessity, I conceive, that the presents which His Royal Highness will present in return should be of any extravagant character, provided only that they should be adequately good specimens of English products and manufacture. That I think the House would desire; but I do not think that His Royal Highness, or the House, or the country, would desire to see that in a matter of this kind he should attempt to emulate the ideas some people may have of Oriental magnificence. I trust, if there is to be a discussion on this Vote, it may be taken in Committee, when the Estimate has been presented. I am sure the Government will receive any suggestion which may be made in a friendly spirit; and I think I may venture to say that on this side of the House no criticism or suggestion will be made, but in the most friendly spirit, and with a view of giving every support to the proposals of the right hon. Gentleman.

MR. FAWCETT: I believe that the statement of the Prime Minister will be received with satisfaction throughout the country. I should not have presumed to rise on the present occasion were it not to make a suggestion which, if it were adopted, will, I believe, cause the statement of the Prime Minister to be received with far greater satisfaction by the country. I believe that the reason why what has been said by the Prime Minister would give satisfaction to the country is this—that there is a wide-spread feeling throughout the nation that, if the Prince of Wales went to

India, his visit should be fittingly provided for; but there is a still stronger and much deeper feeling—namely, that England, and not India, should bear the expenses of the visit. I am sure that the people generally will feel greatly relieved when they find that so small a portion of the expenses is to be borne by India; but if the Prime Minister had carried out this policy somewhat further, and appealed to the generosity of this House, and to the generosity of the English nation, and had said—"We will not only bear the greater part of the expense of the visit to India of the Heir Apparent of the Crown, but the people of India shall not be subjected to one farthing of expense," I venture to say that the £30,000, £40,000, or £50,000 additional expense would have been cheerfully paid by the English people. I cannot help thinking it is greatly to be regretted that £30,000 will come out of the Indian revenue in order to enable the Viceroy to dispense hospitality during the visit of His Royal Highness. If this item appears in the Indian Financial Statement, it will seem to be an invidious thing that the people of India should be subjected to any expense in order to enable the Viceroy to dispense hospitality on account of this visit. I would, therefore, make the suggestion—which I feel sure will meet with the approval of hon. Members on both sides of the House—that when this subject is again discussed the Prime Minister should come down to the House and say—"We will not call upon India to pay this £30,000 or £50,000, but in order that everything may be done in the most gracious and handsome manner, England shall bear the whole of the expense of this visit of His Royal Highness to India, because we are anxious that the visit should be as fruitful of blessings to the Indian people as possible."

MR. HANKEY said, that as he had on the Paper a Notice that he would call attention to this matter on going into Committee of Supply, he might be allowed to say that he believed the statement made by the Prime Minister would be received with great satisfaction throughout the country. He could not say he disagreed with the remarks of the hon. Member for Hackney (Mr. Fawcett). The statement of the Prime Minister would have been received rather more graciously throughout the country



if he had been able to say that the visit of His Royal Highness should not cost a penny to the revenue of India.

**MR. MACDONALD:** I feel great reluctance in stating that I differ entirely from the hon. Member (Mr. Fawcett) in the remark that the country will be willing to meet this expense, and even more. I would have remained silent, but for the fact that I desire to refer to the feeling that I have heard frequently expressed in the country with regard to Votes of this kind. I wish, however, to assure the House that I do not rise to do so with any feeling of hostility towards Her Majesty's Government. No one can be more loyal than I am, and no one can be more desirous of seeing this country well governed. Nay, more; it is because I fear that the course which the Government are now proposing to continue may lead to disloyalty, that I protest against this money being spent. Votes of this description tend more to bring the Crown of England into disrepute than anything else I know of. ["No, no!"] Hon. Gentlemen say no; but I am aware, and they also are aware, of the effect which these Votes have upon the working classes. Votes of this character tend more to create disloyalty than all the Republicanism, internationalism, or any other "ism" put together. With that feeling I take this opportunity of raising my protest against this Vote being granted, and I believe that protest will find a ready echo throughout the country. If Her Majesty's Government will only give the country time to think the matter over, I firmly believe that, from the great working class centres, there will come within a very short time this expression of feeling, which will leave no doubt whatever, that the Vote the House is asked to grant is not one desired by the country, and is not, in their opinion, likely to be beneficial to the people of India.

**SIR GEORGE CAMPBELL,** having been lately a member of the Council of India, thought it right to say that, looking at the matter from an Indian point of view, the proposal made by the Government seemed to him to be satisfactory and a rational solution of the question. He did not think it would have been positively unjust if the whole expense had been settled on the Indian Treasury. We did not receive direct tribute from India;

we did a great deal for India, and we did not charge India with any part of the expense of Royalty. He should not have considered it an actually unjust proposition to throw the whole expense on India; but it would have been eminently ungraceful to do so. He believed this country was prepared to bear that share of the expense which it was proper it should bear, and the feeling of the country was expressed by the reception the House had given to the proposal of the Government. On the other hand, he believed that India was prepared to bear her share also. He was not prepared to go as far as the hon. Member for Hackney (Mr. Fawcett), and to demand that the whole expense should be borne by this country, for he believed the apportionment proposed by the Government was fair and reasonable. We must look at the matter as if the Prince were about to visit a foreign Government which would incur some outlay in according to him a hospitable reception.

**MR. BECKETT-DENISON:** I have heard with pain and regret the remark of the hon. Member (Mr. Macdonald) that this grant will not find an echo in the country. So far from that being the case, I believe that the project which has been sketched by the Prime Minister will meet with the unqualified approval of all the great centres of industry in this country. I do not know by what title the hon. Member takes upon himself to speak for those centres of industry; but, for my own part, I feel confident that the feeling will be exactly opposite to that indicated by him.

**MR. PERCY WYNDHAM** understood that the cost of the visit was estimated at about £30,000. If it was to be of any benefit in India the Prince should travel with the same amount of magnificence that the Viceroy did on his tours. Before the Indian Government went to Simla it was the custom of the Viceroy to make a tour in the cold season and to travel for three or four months. The last Viceroy who did so was Lord Elgin; in the time of Lord Canning there was special reasons for exercising economy. On no occasion did the expense of such a tour fall below £50,000, and it often exceeded that sum. That fact might throw some light on this question, and it might lead the Government to consider whether the sum of

£30,000 would be sufficient to defray the cost of His Royal Highness's receptions in the course of his travels. He wished to express his hearty concurrence with the view of the hon. Member for Hackney, that not a farthing of the expense of this visit ought to fall on the Natives of India.

MR. O'CONNOR POWER said, he thought the observations of the hon. Member for Stafford (Mr. Macdonald) might have been received with a little less dissatisfaction. If hon. Members would look a little more closely at the bearings of the question, they would see it was somewhat different from a proposal to give an annuity to a Member of the Royal Family; and objections which could be raised to a proposal of this kind would be entirely out of place in a discussion on a proposed annuity. Annuities were granted to Members of the Royal Family to enable them, as representatives of the country and of the State, to transact their official business with dignity and to keep up their social position. When anyone suggested that these annuities ought not to be granted, or ought to be cut down, there was something which touched the honour of a gentleman and which assailed the so-called dignity of respectable persons in objections of this kind. Considerations of this kind did not at all enter into the present proposal, which was made to the House on grounds of public policy. The honour and dignity of the Crown were by no means involved in this Vote. The honour and dignity of the Crown would be involved in the manner in which it was proposed to carry out the arrangements of the visit of His Royal Highness to India; but he would remind the House that that was a secondary question, and he should like to know before he voted upon it what results beneficial to the Crown and the people of England were likely to be derived from this visit? He was anxious to know what benefit could accrue to the Queen or the Royal Family from this visit to India. The only thing that threw light upon that point was the reference made by the Prime Minister to the manner in which the Prince of Wales would make his progress through India, and to the good that would be done by his investiture of some of the Native Princes with the Order of the Star of India. It did appear to him that if His Royal Highness had no

higher object than that, he would be much better occupied at home. And he objected to putting the country to this expense for the same reason that he objected to the Royal residence in Ireland. He feared that the House was of opinion that the visit of the Prince of Wales to India would be a panacea for the grievances of India, just as some hon. Members thought a Royal residence in Ireland would remove the evils of the country. They had heard much of a Royal residence in Ireland. ["Question!"] He did not find fault with hon. Members who declined to hear any illustration of his arguments. ["Question!"] Perhaps when there were so many matters pressing on the time of the House, he was wrong in pursuing this topic; but he must say that the right hon. Gentleman had failed in showing that any good whatever was likely to arise from the proposed visit; and he, for one, could not give his sanction to the proposed expenditure until he saw that some practical good was likely to arise from it.

COLONEL BERESFORD: I would not have risen to say a few words if the hon. Member for Stafford (Mr. Macdonald) had not asserted that he spoke in the name of the working classes. I tell him that on this matter he does not represent the opinions of the working classes, and I believe that if you polled the working classes in this country nine-tenths of them would repudiate the doctrines which he has laid down.

MR. P. A. TAYLOR: There is nothing in the world easier than to make the assertion that the hon. Members on this side of the House who sit here by the votes of the working classes do not represent their opinions. I will venture to give one illustration which will throw some light on this subject. When on another occasion I opposed a certain Royal annuity that was proposed, I said that I spoke in the name of 10,000 of the working men of Leicester; but the right hon. Gentleman the Member for Greenwich (Mr. Gladstone) fairly enough challenged my opinion, and said he thought that I was mistaken in supposing that I did represent the opinion of the working classes. It was not very long after that I had an opportunity of standing in the Market Place of Leicester and put to an assembly of more than 10,000 working men the question that

*Mr. Percy Wyndham*

had raised in this House. I asked—"Did I represent your opinion on that question or not?" and they, without a dissentient voice, sanctioned and endorsed my conduct. I am prepared to support the opinion of the hon. Member for Stafford (Mr. Macdonald), that anything like the unanimity which has been claimed for public opinion on this question does not exist. I have received many communications hoping that I and the other Radical Members would oppose this grant; and I believe that if a public meeting were called at any of the large centres of population the answer given to the proposition of the Government would be very different from that which will be given by this House.

MR. BIGGAR, who rose amid cries of "Oh, oh!" said: I only intend to say a very few words. But I intend to be heard. I simply mean to say that I think it is a very unreasonable way of making presents to make them out of other people's pockets. If His Royal Highness is to make presents to the Native Rulers of India, he should give them out of his own private purse, and not out of the pockets of the working people of this country.

MR. BURT: I do not, Sir, profess to speak on behalf of the working classes of this country, but on my own behalf; and, as one who has had considerable experience of the working classes of this country, I beg to join my hon. Friend the Member for Stafford (Mr. Macdonald) and other Members of this House in uttering an earnest protest against this Vote.

LORD ELCHO: I have no pretensions to speak on behalf of the working classes, but we are told—and no doubt truly—that no classes in this country are more loyal or more anxious to maintain the dignity of the Empire. We hear from the Prime Minister that the Viceroy of India is most anxious that this visit should take place in the interests of the Government of India, and believes that it will draw closer the ties which bind India to England. Well, I think if it were put to the working men of Stafford, Leicester, or other places that such was the feeling of the Viceroy of India that such was the object of this visit, and that it was encouraged by the Government; and if it were put to them whether it should be done in a way worthy of England and of the Prince who goes

to India, and that as little as possible should be spent by the Indian Government, I am perfectly satisfied that the loyalty and public spirit, and that pride in the Empire which I believe animates the working classes, would lead them to endorse such a Vote.

MR. WHALLEY: I wish to say one word on this subject. The hon. Member for Stafford (Mr. Macdonald) said, with some confidence the other night that on a certain question I did not represent the views of the working classes. I challenged him distinctly to meet the working classes and to submit my opinion with his, but he did not accept that challenge. I now pledge myself to the opinion that upon this question the hon. Member for Stafford, the hon. Member for Leicester, and other hon. Members do entirely belie the sentiments of the working classes. It is not difficult to obtain at a public meeting a clamorous reply to a categorical question; but I assert that the working classes are always ready to maintain the true interests and honour of this country.

MR. DISRAELI: We propose to take the Votes for the visit of the Prince of Wales to India on Thursday next.

#### THE QUEEN'S REMEMBRANCER.

##### PERSONAL EXPLANATION.

MR. DISRAELI said: Perhaps the House will allow me touch on a subject of a somewhat personal nature, with reference to an answer which I gave the right hon. Gentleman opposite (Mr. Goschen), in regard to the office of Queen's Remembrancer. The House is aware that the Judicature Commission recommended that the office of Queen's Remembrancer should be abolished, and afterwards there was a Treasury Minute on the same subject, which bound the Government to take some steps in the matter. This took place under the late Administration. It so happens that the office of Queen's Remembrancer exists by statute, and that there are several important duties attached to that office. No steps were taken in consequence of the recommendation of the Commission or of the Treasury Minute, and when I came into office I received a memorial from the Lord Chief Justice and other Judges, calling my attention to the fact that the office of Queen's Remembrancer had not been filled up;



that it involved some important public duties, and that the administration of justice was arrested in consequence. I accordingly filled up the office, and, as certain duties were vested in this office, I had no option in the matter. In filling up the appointment, however, I made it a condition that, pending the decision of Parliament, the office should be regarded as temporary, and that in the event of its abolition the person appointed should have no claim for compensation. The office is given as a matter of routine to the Master of the Court of Exchequer. The salary attached to it is £500 a-year, and he has accepted it subject to the conditions I have mentioned.

#### EAST AFRICAN SLAVE TRADE.

##### RESOLUTION.

MR. HANBURY rose to call attention to the measures adopted for repressing the East African Slave Trade; and to move—

“That no treatment of the question of the East African Slave Trade is satisfactory which does not include the presence of a squadron in the Red Sea.”

The hon. Gentleman said, that in the suppression of the slave trade on the Eastern Coast of Africa we had this difficulty—which did not apply to the suppression of the slave trade on the Western Coast of Africa—namely, that we had to deal with men who were not of our race, our colour, or our creed. In spite of the difficulties connected with the suppression of the slave trade on the Western Coast, we undertook the suppression of it; but with regard to the slave trade on the Eastern Coast, what had we done? Unfortunately, all we had done for 25 years for the suppression of that trade was to trust to treaties made with other nations whose interests and sentiments were in favour of that trade. Those treaties were mere waste paper, mere screens behind which the trade was carried on as vigorously as before. But it might be said that our main object in inducing the nations in question to enter into these treaties was to obtain the right of employing a squadron, if we chose, to suppress the slave trade on the East Coast. What had been the case as regarded our employment of a squadron on the Eastern Coast? On the Western Coast we had spent £20,000,000, and had employed

15 vessels in the suppression of the slave trade. For 25 years all we had done on the Eastern Coast to suppress the slave trade was simply to employ a squadron of sometimes four, at other times of three, and at other times of two vessels; and sometimes we had no vessel at all to blockade a coast 4,000 miles in extent. Moreover, instructions which were contradictory had been given to the captains of the vessels we employed on the Eastern Coast, and therefore they did not know what they might seize and what they might not. Two Committees which sat in 1871 found, as a matter of fact, that the slave trade had actually increased, that its horrors also had increased, and that legitimate commerce had been very much diminished. One reason assigned for the increase of the slave trade was that we had suppressed piracy in the region in question; but, unfortunately, having suppressed piracy, we allowed the slave trade to take its place; and through our not having an efficient squadron to watch the Eastern Coast the value of a slave deteriorated in Africa, and a greater number of them were purchased and exported from Africa. The consequence was that poorer dhows were sent for these wretched creatures than formerly for fear they might be captured, and when an English vessel appeared in sight the slaves were either thrown overboard in order that the dhow might be saved, or else they were run into land and hundreds were drowned in attempting to get through the surf. Bishop Steere, who certainly could not be regarded as a prejudiced authority, stated that in the search for slaves legitimate commerce was very much harassed. The two Committees which investigated this subject in 1871 looked about for a remedy. They thought it essential to have a new treaty, giving us the right of seizing slave vessels in waters further South which were now excluded, and they likewise laid stress on the necessity of increasing the squadron to about 15 vessels. For a year nothing at all was done, and then suddenly Sir Bartle Frere left London for Zanzibar in hot haste, carrying with him a treaty taken from a pigeon-hole in the Foreign Office. It was a treaty for obtaining fresh concessions from the Sovereign of Zanzibar. In his opinion, we ought to have done more ourselves, instead of trusting to

treaties concluded with men whose interests were all the other way. One result of the treaty undoubtedly was that the slave trade on the sea had ceased within the last few years between Zanzibar and the Persian Gulf; but, unfortunately, in the same period the slave trade between Madagascar and Mozambique had largely increased. With regard to the Madagascar trade a great portion of it was carried on under the French flag, and that country had refused us the right of search, and he thought that we had the right to ask for some concession on that point. One result of the present system had been altogether to abolish the passage of slaves by sea; but that had to be counteracted in two ways. Slaves were still going North by sea, for large numbers were smuggled by night in small canoes to Zanzibar, and it was impossible for our cruisers to stop them. The difficulty of taking them up to the North was easily surmounted, because, according to the interpretation put on the treaty by our Crown lawyers, the captain of a cruiser had to prove that the slaves whom he seized were being taken for sale. We still had no right to seize domestic slaves. This, however, was a minor point in comparison with the question of the enormous increase of the traffic by land that followed immediately on the conclusion of the treaty. What happened now was this—the slaves were marched up to the Somali country and were bought by the Somalis, who preferred buying these Southern slaves, and sold the Gallas and other slaves, who were too near home, to the Arabs of the Persian Gulf. As the result of the treaty this disastrous state of things had come about—a land route had been opened involving much greater miseries than the sea route; greater numbers of slaves were transported; and unless we stopped the trade in the Red Sea we had much better send our cruisers away altogether. Unless we went into the Red Sea it would be impossible to stop the transport of these slaves to the Red Sea and across it. He would now refer to the old slave trade. Before the Committee of 1871 General Rigby stated that there was a considerable traffic in slavery between Turkey and the Red Sea; and Sir Bartle Frere said that the numbers had been understated, and that a large and increasing slave trade was carried

on through the Red Sea ports. That evidence was given before the new traffic was established by way of the Red Sea. It could hardly be said that our cruisers should be excluded from the Red Sea, and he could not understand why we had allowed the slave trade to be carried on under our own eyes, when we had been endeavouring to force our views on the petty Powers outside the Red Sea. There could be no doubt that the supply of slaves had been increasing year by year, and that the demand for them in Egypt and Turkey had considerably increased. We had lent Sir Samuel Baker and Colonel Gordon to win for the Khédive fresh territory, confessedly of no practical value except for ivory and slaves. This new territory would, in fact, be the great *emporium* from which the slaves of Egypt and Turkey would be recruited, and through increased commercial prosperity the wealthier classes in both those countries now employed more slaves than ever they did. Now, he thought we might fairly go to Egypt and Turkey and say—"You have conceded the principle and have expressed your anxiety to suppress the slave trade. Why refuse the right of search in these waters where your flags cover so large a traffic in slaves?" Owing to our alliance with Turkey during the Crimean War she had been brought within the pale of the European community, and was bound to give us the same right that was given to us by other Powers, and work with us in suppressing the slave traffic; and he could not help thinking that, if the matter were properly put to France, she would give us a power of search which was not likely to be abused, and which was only wanted in the interests of humanity. It might be said that the traffic was a local traffic only, from one portion of the dominions of the Sultan of Turkey to another, but that could hardly hold water, because the trade from Zanzibar to Muscat was also a home traffic between two Sovereigns of the same nationality, and we had actually forbidden Zanzibar to carry slaves within its own territory. To deal one measure to the weak and another to the strong—one measure to the Sultan of Zanzibar and another to the potentates of Turkey and Egypt—was not likely to increase our prestige in the East and was unworthy of us as a great Indian Power. Having once undertaken this



work we could not afford to let it drop. We had not only got to repress the traffic with our cruisers—a work which could go on only for a limited time, but we had to supplant it by something else which could be nothing else but legitimate commerce, which would have the effect of raising the price of labour in Africa and making it too expensive to export labour to Turkey and elsewhere. In a speech which his hon. Friend (Mr. Bourke) made to his constituents at King's Lynn he said that this was a traffic with which we could not palter in any way but must stamp it out. In the full confidence that his hon. Friend would now be able to use the same words, he begged to move his Resolution.

SIR JOHN KENNAWAY, as a Member of the Select Committee of 1871, seconded the Motion. That Committee found that what we had done on the East Coast of Africa was utterly inadequate, and only added to the evil rather than diminished it; and that it was impossible to deal with this question effectually without further treaty provisions and a considerable increase of the naval squadron. That was the practical effect of their recommendations. He felt bound to express his satisfaction with the manner in which the question was taken up at the earliest possible moment by the late Government, and the way in which their measures had been carried on by the present Ministry. Some tangible results had been obtained from the efforts which had been made. The slave market at Zanzibar—the horrors of which had been so graphically described by Sir Bartle Frere—had been shut up, and the traffic by sea to the North of Zanzibar had been almost entirely put an end to. A debt of gratitude from this country was due to the officers and men of the naval squadron who had so well fulfilled such difficult and dangerous duties. Because there was still a traffic between the coast of Africa and Madagascar, and there were large caravans going North, some thought the treaty was useless, but he did not agree with them. It was the opinion of those who knew best that those large caravans were but the remnants, that they were the slaves in store, and the Committee had no evidence that this traffic would be maintained. The question arose whether it

was politic to interfere with the land traffic. We might interfere in two ways. We might go to the Sultan and demand a revision of the treaty to enable us still further to interfere, or we might say—"These men are carried further North for the purpose of being exported, the treaty is not properly carried out, and we have a right to enter and stop this thing ourselves." He knew this was a point which was under the consideration of Her Majesty's Government, and that they had not hesitated to carry out the treaty entered into by Sir Bartle Frere. The Seyyid, our guest, was very loyal in the matter; and if we remembered that we were dealing with a weak man whom we should have to help, and that we must not ask too much from him, we might effect a great deal of what we desired. It was the old traditions of the Foreign Office under Lord Palmerston that we were carrying out. His hon. Friend hit a great blot with respect to the power of search being denied us by the French, Turks, and other nations. If we went on as we had commenced it would prove commercially a great success, for it was impossible by all accounts to exaggerate the resources of the country with which we were dealing. He predicted that a large amount of work would be required at the Foreign Office in connection with this work of putting down the slave trade, and he therefore urged that the special Slave Trade Department should be restored.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "no treatment of the question of the East African Slave Trade is satisfactory which does not include the presence of a squadron in the Red Sea,"—(*Mr. Hanbury*.)

—instead thereof.

MR. ASHLEY said, that the question of slavery required the most continual and constant watchfulness, and he therefore cordially agreed with the hon. Baronet that the Slave Trade Department of the Foreign Office should be restored. That Department was at present merged in the Consular Department, and he trusted it was about to be revived. The Queen's Speech at the end of last Session contained the following paragraph:—

"The Treaty recently concluded with the Sultan of Zanzibar, having for its object the

*Mr. Hanbury*



suppression of the East African Slave Trade, has been faithfully observed, and has already done much to put an end to that traffic as carried on by sea. The exertions of my Naval and Consular servants, in that part of the world, will not be relaxed until complete success has been obtained."

That was a promise which he hoped and believed the Foreign Office intended to fulfil. But experience showed that there were several loopholes by which the repression of the slave trade was prevented from being accomplished. The first was the extraordinary interpretation put by the Crown Law Officers upon the Treaty of 1873—an interpretation which went against the law of Zanzibar, in that it defined our right to capture slavers to exist when we could prove that there were slaves on board. It was also important that special attention should be given to the inland traffic; and for this purpose we should extend our moral, financial, and physical assistance temporarily to the Sultan of Zanzibar. We should help him to consolidate his power over the inland districts of his Empire, and in return for that assistance he should prevent any such inland traffic as we understood was now going on. He also thought great advantage would be derived from the establishment of a British possession North of Zanzibar, to which free negroes could go; it might be very small; we could purchase it from the Sultan, and it would be a post of observation, so that no caravan could go North without the cognizance of the British authorities. He could not help thinking that our Consular Agencies in the Red Sea might be increased with advantage, and the presence of a gunboat would also serve materially to check the traffic on the east side of that sea. Care should also be taken that the new territories which our adventurous countrymen were bringing under the immediate rule of Egypt should not be turned into slave markets. If the Foreign Office showed the same spirit and disposition in this matter as the Colonial Office, there could be no doubt that the best results would attend their efforts.

MR. BOURKE said, that he entirely concurred in that part of the speech of his hon. Friend (Mr. Hanbury) in which he said that having undertaken the suppression of the slave trade on the East Coast of Africa, we could not afford to let it drop. Neither was there a single

word which he (Mr. Bourke) had said in the speech quoted by his hon. Friend or elsewhere which he was not prepared to hold to. But his hon. Friend had mixed up two things which were entirely distinct—namely, the traffic on the East Coast and the slave trade carried on in the Red Sea. Somali Land was far south of the Red Sea. It was, no doubt, a fact that the slaves were absorbed in Somali Land; but the slave trade in the Red Sea had no more to do with the traffic on the East Coast than it had with that on the West Coast. In a recent interview with Dr. Kirk, he was informed that no slaves for the East Coast were taken beyond Lamoo, which was one degree below the Equator, for the best of all reasons—namely, that it did not pay, as in making the transit, even up to that point, 80 per cent of the slaves died. His hon. Friend did not, he thought, do justice to what had been done by the late and the present Government with regard to suppressing this inhuman traffic. The hon. Member showed that the difficulties to be met were very great; but he did not show the amount of success that had resulted from their operations. He (Mr. Bourke) might start at once by telling the House that the traffic on the East Coast had been practically stopped by sea. Was not that an enormous gain compared with the condition of things proved before the Committee of 1871? When we recollected the antiquity of the traffic and the miserable barbarities which attended it along the coast, and in the Persian Gulf, the statement that absolutely no dhows ever left the coast now was sufficient to show, in a rough way, that a great deal had been done towards suppressing the African slave trade. With regard to the land route, he wished all who had the suppression of the slave trade at heart to understand that that route was as formidable as ever, perhaps more so, up to a certain latitude; and the question was, what was to be done. It did not appear to the Government it was at all certain that the slave trade by land would continue, and that the increase of the trade by that route during the last two years was not due to the coasting trade being stopped; and there were those who thought that when the supply from the interior was diminished by reason of the traffic by sea being stopped, the land traffic would to a great extent

stop also. We also knew that slaves who were formerly taken to Persia and other countries were being absorbed along the coast, partly in Somali Land, and partly in other territory. Now that the sea trade was stopped the demand for slaves must be limited, and if the trade from the interior towards the coast was now diverted along the land route, it was believed that when the slaves were absorbed—who had left the interior before the blockade had been thoroughly established—the demand for them would cease, and that in that way the trade itself would stop. Her Majesty's Government were perfectly aware of the trade that went on between Madagascar and Mozambique, and they had directed the attention of the Portuguese Government seriously to the subject, and they had received considerable encouragement from that Government on the subject. They had ordered the Governors and commanders of steamers to act in concert with ours in putting it down; and it was only a short time since that the captain of the *Thetis* had been in communication with the Governor on the coast of Mozambique, and by his co-operation was able to search several harbours and make several very important captures, and there was every reason to believe that when the Portuguese Government really co-operated with us there would be an end of the slave trade along that part of the Coast. Two of the most important captures of the last two years were made between Mozambique and Madagascar, and the number of slaves thus rescued would seriously reduce the number of Africans who had originally been carried into slavery. It was an important question how to deal with liberated slaves. Some persons were of opinion that it was desirable to form a settlement for them on the East Coast, where they could be placed under the guidance of missionaries, who should undertake their education. No doubt if it were established it would assist materially in putting a stop to the land traffic, for the caravans would not go near it; but by establishing such settlements we should be incurring very great risk if differences should arise, and after they were established there was the probability that they would become absorbed in the general population of the country, and, if not, that they would go to something

worse—be re-captured and taken into the interior. It was also considered highly inexpedient that the African, after he had been reduced to slavery and liberated by British cruisers, should be ever allowed to return to his native country from the absolute horror with which they regarded such a prospect. The House would hesitate a long while before it consented to establish a regular British settlement on the East Coast, and certainly the Government were not prepared to do it now, whatever efforts might be made spontaneously by the missionary societies. There was at present a very efficient squadron on the East Coast of Africa, and that the ship *London*, which the late Government prepared, and which was sent out by the present Government, was doing good service. The Committee of 1871 recommended the appointment of Consular Agents; but it must be remembered that the East Coast of Africa was an extremely unhealthy climate, and contained a lawless population, and before we established Consular Agents on the Coast we must take care that the Sultan of Zanzibar was in a position to afford them protection; because nothing would be more unwise than to establish Consular Agents in a place where they would run the risk of being murdered by the Arabs or be likely to die of fever. A Consular Agent had been sent to Mozambique, and he had sent home some satisfactory despatches. Her Majesty's Government, however, had taken powers for our Consular Agent at Zanzibar to send persons where it was desirable to obtain information for our cruisers, believing it to be a better mode for accomplishing our object than sending an Agent to a particular spot. He could assure the House that the Government were earnestly considering the subject. An increase had been made in the Estimates this year in connection with the subject, and the First Lord of the Admiralty had taken great pains to send out ships to the Coast that would perform their services satisfactorily to the country. Her Majesty's Government had no reason to think that the number of ships that were employed in this service was inadequate. We had now five ships on the coast, and one of them being a surveying ship did not prevent her from repressing the slave trade. He, therefore, hoped that upon further con-

sideration his hon. Friend the Member for Tamworth would see that at present Her Majesty's Government had no reason to think it was advisable to increase the squadron. From time to time, if there were reason to increase the squadron or the Consular Establishment, Her Majesty's Government would be very happy to take steps for the carrying out of the great object which his hon. Friend had in view. As to the subject alluded to by the hon. Member for Poole (Mr. E. Ashley)—namely, the Slave Trade Department of the Foreign Office, no doubt that Department had done a very great work, and we could not forget that the suppression of the slave trade on the Western Coast of Africa was in a great measure due to the exertions of that Department. But now that a change had been made in the Foreign Office and the Slave Department was merged in the Consular, Her Majesty's Government saw no reason at present to change that arrangement. Of course, if it were found that that Department had too much work to do the staff might be increased; but he thought it was undesirable to make any change at present. With reference to the observation of his hon. Friend the Member for Tamworth and of the hon. Member for Poole as to the Khédive's territories having been increased for the purpose of enabling him to carry on the slave trade, he (Mr. Bourke) looked upon that as a great libel upon the Government of the Khédive. He believed that, so far from the Khédive having the smallest intention of encouraging the slave trade in his new territories, his great motive in annexing them was the suppression of the slave trade. All we could hope for, and all we could do in endeavouring to suppress the slave trade on the Red Sea, would depend upon the measures which he believed the Khédive was perfectly able and willing to carry out. There could not be a doubt that there was a great slave trade in the region referred to by his hon. Friend the Member for Tamworth. What Her Majesty's Government had done with regard to that trade was this—they had appointed a Consul at Jeddah, and they had received a great number of communications from him; but he was in a totally different position from the Consul on the Eastern Coast of Africa; he had not

power to interfere with the slave trade like the Consul on the Eastern Coast. The Sultan of Zanzibar, by the treaty he had entered into with us, had undertaken to do his best to put an end to the slave trade, and therefore our Consul called upon his officers to help him; but we had no such treaty with the Khédive, nor was there any intention on the part of the Government to ask for such from him. The attempt to obtain a right of search for slaves on board vessels carrying the French flag was not desirable, because it might lead to difficulties and complications we did not want to be involved in. He could not assent to the Motion, because it would pledge Her Majesty's Government to deal with the slave trade of the Red Sea in the same way as on the East Coast of Africa. That was not the course which they were prepared to adopt; but he could assure the House that negotiations were in progress with the Khédive and the Turkish Government. Those negotiations were not yet completed; and until they were completed he did not think it desirable that the Papers asked for should be presented. He trusted that the statements he had made would be satisfactory, and he could assure the House that the subject would continue to receive the most earnest attention of Her Majesty's Government.

MR. W. E. FORSTER said, that having taken great interest in this question, he wished to express the pleasure with which he had listened to the speech of the Under Secretary for Foreign Affairs. It was clear that the efforts made by the late Government to put an end to these terrible calamities and crimes were carried on with the same earnestness by their successors. The speech of the hon. Gentleman (Mr. Bourke) showed that he had deeply studied the subject, and that he felt a personal interest in the success of the endeavours now being made to put down the slave trade. The Government would obtain every assistance in these efforts from both sides of the House; and if the hon. Gentleman could feel when he quitted Office that he had struck a real blow at this traffic nothing would give the hon. Gentleman greater pleasure or obtain for him more honour in the country. He was glad to find that the Under Secretary for Foreign Affairs had taken off a little of the gloom which the some-



what exaggerated representations of the hon. Member for Tamworth (Mr. Hanbury) had been calculated to produce. The efforts made to put down the East African slave trade often ended in disappointment, and such was the determination of the men engaged in it that when they were driven out in one direction they sometimes re-appeared in another. He feared, too, that the first effect of our repressive measures was sometimes to increase the sufferings of these wretched slaves. It was difficult to put down the land traffic, and the slaves who were ready for export were in some way or other generally got off. The Government could, however, obtain constant information as to the extent to which it was going on, and he was glad to know that they would do what they could to stop it. It was cheering to know that the Sultan of Zanzibar had thrown in his lot with us. He was the most civilized of the potentates on that Coast, and there was no reason to doubt that he really wished to put down the traffic. This was a great gain, and a most hopeful event in the history of the slave trade. The traffic could not be entirely stopped by our cruisers, and our only hope of stopping the trade was, by the influence of the Chiefs, to act upon the land traffic. He by no means despaired of getting notions of civilization by means of missionaries and otherwise into the minds of the Native potentates. It might be that a certain amount of this traffic was carried on across the Red Sea; but it could not be expected that the Khédive would permit our cruisers to enter the Red Sea in order to put down the traffic. At the same time the Khédive entertained very different views from some of his predecessors on this subject, and he did not believe the assertions sometimes made that he wished to enlarge his territories in order to carry on this trade. He rejoiced to learn that a British Consul had been established at Mozambique, and he was glad to hear the hon. Member (Mr. Bourke) speak so confidently of the assistance lately given by the French. There was, he believed, a very strong feeling in this country in regard to the suppression of this slave traffic; and we had pledged our character and honour as a nation to carry on the work, and no civilized nation had ever undertaken such a task. There could be no doubt about the difficulties that we had to contend

with; but we were convinced of the evil, and with English tenacity of purpose, we were determined not to be baffled in our efforts to put it down.

MR. MITCHELL HENRY said, he believed that the Khédive was most anxious to put down the slave trade in Egypt, but in the lower part of the Nile a considerable amount of the trade was going on. Much depended on the activity of the Consul General at Cairo, and the appointment of European Vice Consuls at various towns on the Nile would do more than anything else to repress the slave traffic on the Nile. Arab Consuls had no real interest in the extinction of slavery. Her Majesty's Government might effectively and at a moderate cost increase our Consular Establishments by appointing Europeans in the large towns up to the first or second cataract. That would do more to assist the Khédive than anything else. Another circumstance ought to be borne in mind. There was at the present moment a statesman in Egypt who for a long period had been out of office. He referred, of course, to Nubar Pasha. In consequence of his influence with the Khédive the Government of this country now had a more favourable opportunity of putting down the slave trade than had presented itself for many years. In regard to the annexation of portions of Upper Egypt, he knew for a fact that the great difficulty felt by the Khédive was the question as to what was to be done with the slaves in the annexed districts. No doubt the Khédive was extending his dominions; but it was absolutely necessary for him to do so if his country were ever to become great, or even if it were to pay the interest on its debt. Mr. Fowler, the engineer, and his staff were now extending the railway beyond the second cataract, and one of the subjects on which the Khédive entered into the most animated conversations with Mr. Fowler was the treatment of the slaves whom he was determined to liberate in the countries annexed. He believed it was the Khédive's intention to form them into a corps by which the railway could be carried on. How could we hope to put down the slave trade except by bringing the uncivilized parts of Africa into the Kingdom of the Khédive? It was quite impossible to change the opinion of the present generation of Mahomedans on the subject of slavery.

*Mr. W. E. Forster*

They thought our interference as unjust and almost irreligious, and if we diminished the Khédive's *prestige* among his own people by insisting upon the right of search in his vessels, we should be doing more harm than good. The intention of the Khédive, of his family, and of his Chief Minister was as rapidly as possible to suppress the slave trade and to wean the Mahomedan portion of the population from their love of that form of servitude.

MR. WHALLEY concurred in the remarks of the hon. Member who had just spoken. All persons who had a practical knowledge of the subject agreed that we ought to support the Sultan of Zanzibar in carrying legitimate commerce into the interior of his territory. All our efforts, whether by sea or land, would be almost useless except so far as we could give encouragement to men of enterprize to develop the resources of the interior of Africa in mines, agriculture, and so forth.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question proposed, "That Mr. Speaker do now leave the Chair."

#### STATE OF THE NAVY—IRON-CLAD SHIPS.—OBSERVATIONS.

MR. T. BRASSEY: The Motion I have placed on the Paper embraces both armoured and unarmoured ships. While the principles I seek to enforce apply equally to either class, for the sake of brevity my observations shall be confined to iron-clad ships. I may at once explain that, in recommending that an effort should be made to combine the most essential qualities of a man-of-war with reduced dimensions, I do not desire to criticize, in an unfavourable sense, the shipbuilding policy of the past. The ships designed by the hon. Member for Pembroke (Mr. E. J. Reed) and his successors are admitted by the most competent authorities abroad to be superior to any yet built in their own naval yards. We have been going with the times, and keeping well a-head of, other nations. On the other hand, it will be admitted that much disappointment has been felt that the number of fighting ships we have been able to turn out has been year by year diminishing. During

the last 10 years we have launched on the average two iron-clads annually. The former average was insufficient; and there had been a marked falling-off in the last three years. In 1870, six ships were launched, including three of the *Audacious* type, and the *Hercules* and *Sultan*, which still remain the most powerful masted iron-clads we possess. In 1871, we launched seven ships; but four of these were of the *Cyclops* class, comparatively small, and intended only for coast defence. In 1872 we launched three ships; the *Devastation*, *Thunderer*, and *Rupert*. The two succeeding years are blank, as regards the history of our iron-clad shipbuilding; and when the *Alexandra* was recently launched at Chatham, an interval of nearly three years had elapsed since an armoured ship had been added to the Navy. The cause of this stagnation is not so much the insufficiency of the Estimates as the extravagant cost of the individual ships. Previous to the iron-clad epoch, a ship of war could be built for £1,000 a-gun. The cost has now increased to £125,000 a-gun; and these figures, large as they are, may be considerably augmented before the *Inflexible* and the *Dreadnought* are completed. Such an outlay is the less satisfactory at a time when questions are being raised as to the policy of building these enormous ships under the altered conditions of naval warfare. I do not insist on smaller ships with a view to reduction of expenditure. Previous to the Franco-Prussian War, it might have been possible to bring down the Naval Estimates to a sum not exceeding £10,000,000. The increased armaments of the Continental Powers have altered the situation. The particular amount required must be determined by the responsible Ministers of the Crown; and they need never shrink from asking for what is necessary to maintain an efficient Navy. The Naval Estimates have been often criticized, but the criticisms have been directed, not so much to the aggregate amount, as to the injudicious application of the money voted to the Naval Service. The most rigid economists in the House of Commons have no desire to starve the Navy, though they are anxious, and rightly so, that our effective strength shall be proportionate to the outlay incurred. Now, in order to attain this object, it is essential to avoid all sudden

fluctuations, whether of increase or reduction in the naval expenditure. It is equally essential that we should take care not to fall behind the age in the designs we adopt for our vessels of war. When we review the past history of the Navy, we find many instances where we have been too slow in admitting the necessity for a change in the system of naval construction. We have clung to the accepted types, because a reversal of policy would have been tantamount to an admission that the fleet which we had created at great pains and cost had become obsolete, or at best, of little value. It is my object to present a similar error in our own times; and I venture to think the present occasion is not altogether inopportune. The Estimates before us include two armour-clads, on each of which it is proposed that only two workmen shall be employed. A force so insignificant can have made no appreciable progress in the herculean task in contemplation, and modification in the designs at the present stage would not involve a serious loss. It is undoubtedly most difficult to form a distinct conception of the future requirements for the *matériel* of the Navy. But the problem must be faced. The other maritime Powers are not dependent, like ourselves, for their very existence on the command of the seas. They can afford to await the result of our costly experiments. We are in a different position. The question we have to decide is not whether we shall or shall not for a time suspend our ship-building operations, but rather what type or types it is most advantageous to adopt, having regard to the actual and prospective conditions of naval warfare. We must therefore make up our minds on a number of questions, which it is more easy to suggest than to answer. Are we right in building ships of monster size, solely for the purpose of carrying armour, ponderous in weight, but no longer impenetrable? In the middle ages armour for personal defence was gradually increased in weight, until it became an insupportable incumbrance. The use of armour for the protection of ships seems likely to lead to a similar result. It is practically impossible to construct vessels to carry armour sufficiently heavy to resist the guns already introduced, still less to resist those in process of

manufacture. This is proved by the table published by the War Office, showing the penetrating power of the guns in use in 1873. The Committee on Naval Designs, in their Report made in 1871, pointed out that we were approaching a period when the guns would assert a final and decided superiority over armour. Admirals Elliott and Ryder, in their separate Report, expressed an opinion that the continued use of side armour was of doubtful expediency. They objected to the use of any vertical side armour of less than 20 inches in thickness as a protection to the vitals of a ship. They believed that, if war broke out, and our Fleet were protected by this armour, the other maritime nations would resort to the use of guns, against which the armour we now employ would afford no protection. At the present moment the Elswick Company are making 12 100-ton guns for the Italians; and the French have a 38-ton breech-loading gun, which, next to our own, is the most powerful gun in any Navy. M. Dislere, the author of a most suggestive essay, recently published, *La Marine Cuirassée*, condemns as inadequate any armour of less than 16 inches in thickness; and it has been laid down, no doubt correctly, by the right hon. and gallant Member for Stamford (Sir John Hay), that a ship defended by 16-inch armour must have a displacement of 16,000 tons. In the opinion of M. Dislere, armour which is not impenetrable is worse than useless; for if there be reason to hope that large shells may penetrate the thin sides of unarmoured ships without bursting, it is certain that they will burst against the weakest armour. While, however, the value of armour as a protection against guns is daily becoming more and more doubtful, it seems probable that engagements will hereafter be fought, not with the gun, but with the ram and the torpedo. In support of this statement I might multiply quotations from Commander Noel's able essay, *The Gun, the Ram, and the Torpedo*, from Captains Colomb and Pelléu, from Admirals Touchard and Jurien de la Gravière, from M. Dislere, and many other sources. In dissenting from the Report of the Committee on Naval Designs, Admirals Elliott and Ryder express their firm conviction that the most destructive means of attack will be found in the ram and the torpedo, that the most effi-

*Mr. T. Brassey*



cient ram will prove the most efficient fighting ship, and that the leading features of unsinkableness and handiness which constitute the best ram, will also facilitate the avoidance of the enemy's torpedoes. Looking to the growing importance of ram and torpedo warfare, it appeared to them most desirable to avoid building ships of such large dimensions as the modified *Fury*, with a displacement exceeding 10,000 tons. In the United States, special attention has been devoted to torpedoes. Admiral Porter, in an official Report, has predicted that in the next great naval fight, the torpedo will decide the result. At Berlin it has been determined to build no more large iron-clads at present. General von Storch, the head of the German Admiralty, stated in the Reichsrath last December that the improvement in torpedoes rendered it undesirable to build the flotilla of monitors included in his former programme of vessels to be built for coast defence. In France it is believed that the torpedo is destined to produce in naval tactics a revolution not less complete than those which have been already brought about by steam, rifled guns, armour plating, and the ram. The torpedo will now, M. Dislere anticipates, be fired from the broadside of ships in action. It may, in short, be regarded as a submarine gun. During the Franco-Prussian War, the French Fleet in the Baltic was reduced to complete inaction by the dread of torpedoes. Turning from foreign opinions, what do we learn from the most eminent men in our own country? Sir Spencer Robinson told the Committee on Designs that he believed a total change in naval warfare was impending; that what we wanted most were neither *Devastations* nor *Sultans*, but a class of immensely-powerful torpedo ships. Torpedoes were destined to a great position in naval warfare. Here it may be asked whether the attention of the Constructor's Department has been sufficiently directed to torpedo vessels. We have completed one small vessel, the *Vesuvius*; but a first experiment must inevitably suggest many improvements, which could be advantageously introduced in subsequent designs. Mr. Barnaby has frankly admitted that it is a question how far we dare go in putting large sums of money into single ships, remembering that every ship in existence can be penetrated

by torpedoes, the large ships as easily as the small ships. Where such differences of opinion prevail, it is difficult to arrive at a conclusion as to the most judicious practical application of the Shipbuilding Vote. There is, however, a general concurrence of opinion in favour of certain types. Rams are admitted to be necessary, and the smaller the dimensions, having due regard to other conditions, the more formidable such a vessel must be. The power of a ram depends on speed and facility in turning. *Mobilitate viget, irresque acquirit cuncto*. The steam ram should be protected by armour in vital points, and it is impossible to give armour protection to a small vessel without some sacrifice of other qualities. In vessels specially designed to act as rams, it would be advisable to give up guns, and it would be unnecessary to insist on a large supply of fuel. The use of rams for harbour defence has been ably discussed by M. Dislere. The ram for coast defence must not, in his opinion, be diverted from its proper use. As Admiral Goldborough has put it—"The vessel must be the projectile, the steam power the gunpowder." The combined effect of the weight of the vessel and her speed cannot but be irresistible, and the ram, reduced to its one weapon, the spur, relieved from the weight of the artillery and the armour-plating to protect it, rendered in consequence small, handy, and swift, cannot but be a formidable adversary to a bombarding and blockading squadron, composed probably of ships greatly inferior in manœuvring qualities. I trust that the Admiralty may feel justified in ordering at least one ram to be built, free from the incumbrance of artillery. Three or four such vessels could be constructed for the cost of one *Rupert*. Turning to sea-going types, the Committee on Naval Designs were unwilling to give up armour protection, even though the armour might be penetrable by the heaviest guns. They say—

"After making every allowance for the disadvantages that attend the use of an enormous dead weight of very costly armour, we cannot lose sight of the indisputable fact that, in an action between an armour-clad and an unarmoured ship, (assuming that they carry guns of equal power), the former has, and must have, an immense advantage in being able to penetrate the sides of her adversary, at a distance at which she is herself impenetrable, and

further, in being able to use with effect those most destructive projectiles, common shells, which fall harmless from her own armoured sides."

While it may be admitted that this argument, so conclusive in favour of the retention of armour for first-class vessels of war, all these advantages of the armoured over the unarmoured ship, on which the Committee chiefly insisted, are secured in the *Audacious* class. The armour of these ships, which is 8 inches thick at the most important points, will resist the projectiles of the 9-inch gun at 200 yards, and must therefore continue to be of service until foreign vessels of war receive a more powerful armament than they usually carry at the present time. As cruising iron-clads for general service, the *Audacious* class—in which, for the purposes of comparison with other classes, the *Swiftsure* should be included—presents the best result yet attained for an equal expenditure of money. The cost of each of these vessels may be put in round figures at £250,000; and it is stated by the Constructors of the Admiralty, in their special Report, that they have guns capable of penetrating all but the exceptional armour of foreign Powers, and that they carry armour impenetrable to all but the exceptional guns of such Powers. They carry their guns into action at a speed closely approaching to 14 knots, and they can cruise without the use of steam. Moreover—and this, perhaps, is the most important consideration of all—this result is attained in ships of a moderate size, and the first cost of the ships and of the men required to man them is thus kept down to the lowest point. All these advantages have been still more fully realized in the *Shannon*, now building at Pembroke. When, therefore, we take into consideration that three *Shannons* can be built for the cost of one *Inflexible*, or at least that five *Shannons* can be built for the cost of two *Inflexibles*, it would appear wise to divide our expenditure more equally between the two classes. Instead of having only one *Shannon* in progress, and two *Inflexibles*, it would be more advantageous to the Navy that we should now be constructing four *Shannons* and only one *Inflexible*. The policy of building any vessels of the *Inflexible* class is open to some doubt. None are being built in the United

States, and only one—the *Redoubtable*—very slowly in France. In Russia the *Peter the Great* is gradually approaching completion, having been commenced some four or five years ago. Yet in the present undecided state of naval opinion, and while other Powers continue to build such vessels, being in this unwilling imitators of England in a policy which their own constructors disapprove, the public might feel some uneasiness if we were to abandon altogether the construction of first-class iron-clads. Sir Spencer Robinson's evidence before the Committee on Designs is an accurate reflection of the naval mind on this question. He wanted more *Devastations*, although he fully recognized their defects. He wanted more *Sultans*, for services in which the ships would be required to remain at sea for a lengthened period. At the same time, he admitted that we were on the eve of a complete change in naval warfare, and that, when the torpedo system had become more perfect, large iron-clads would be less necessary. If only the Admiralty will be firm in insisting on moderate tonnage, as a *sine qua non*, we may rest confident that it will be found possible to produce most formidable vessels at a greatly reduced cost. The triumphs of the hon. Member for Pembroke (Mr. E. J. Reed) were won by combining greater fighting power with smaller dimensions than those adopted in the earlier iron-clads. The *Hercules* surpasses the *Minotaur* even more in the superior facility with which she can be manœuvred than in the weight of her armour and the power of her guns. The ingenuity of our naval architects would be turned to good account in designing the most powerful ships that could be built for a sum not exceeding £100,000. The true policy of naval construction has been well described by M. Gervaise, an eminent constructor of the French Navy. He says—

"Our aim should be, not simply to produce ships more powerful and of greater speed than any others of known form and dimensions. That object may generally be attained without difficulty, simply by building a larger ship than the type you wish to surpass. The really difficult problem is to produce a ship which shall combine the required power and speed with the smallest dimensions. In other words, the merit of naval architecture consists in producing the greatest possible amount of naval force for a given sum of money."

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These are principles which cannot be too strongly insisted upon, and which the British Admiralty have so often forgotten in the sacrifices they have made to the idol of popularity. In justice to our own constructors, we must add that they have often expressed the same opinions. In their Report on the *Audacious* class to the Committee on Designs, they say—

“In view of the dangers to which ships, however heavily armoured and armed, and however large, are exposed from torpedoes, rams, and other submarine attacks, we consider the best ships are those of the smallest dimensions, which can engage the armour-clad frigates of other nations with a good prospect of success.”

The advice thus tendered to the Admiralty should be appreciated by Parliament. The Constructors show an evident reluctance to expend the ample resources at their disposal in building sensational ships. These things are done to please the public; and public opinion on such a question rests on imperfect knowledge. The judgment of the Department itself is the judgment of men of special knowledge; whose claims to our confidence rests on close and constant study of this complicated question in all its bearings. In conclusion, I would suggest one other argument against building ships of exaggerated size. Will not a captain be burdened with an almost intolerable anxiety, when he knows that his ship is one of a very limited number, and that the loss of such a ship may be a most serious blow to the Navy? In the numerous fleets of the olden times, the fate of an individual ship was a less momentous question. But if you concentrate the whole powers of the Navy in a few ships, such as we have lately built, you throw upon the officers in command a weight of responsibility which may check that gallant and almost reckless ardour, with which the great battles of the past were fought and won.

MR. BENTINCK observed, that if a Question of Privilege or one relating to a personal squabble were to be brought before the House the benches would be full, and not, as they now were, all but empty. He thought the House was greatly indebted to the hon. Member for Hastings for the very able way in which he had brought forward this subject, which involved the question of the condition of our Navy, and that

was the point which the House had to consider. When we looked at the present condition of affairs on the Continent we ought to remember that we were dealing with circumstances very different from those with which we had had to deal before. There never was a time in the history of Europe when the situation of affairs was more hostile to this country than it was at present. There was a state of things on the Continent of Europe unknown in the history of the world. The whole position was changed. Formerly a notion prevailed that the Channel was a barrier against aggression, but it was not now the barrier that it was 50 years ago. Again, many discussions had taken place with respect to our military resources, and the result of the debates was that the state of our Army was anything but what it ought to be, for not only had we not sufficient troops for the requirements of our Colonies, but we had not sufficient to defend our own shores in the event of an attempted invasion. A more important question could not be raised than that of the condition of our Navy. The Army had been so much reduced and frittered away that, practically speaking, the Navy was our only remaining line of defence against foreign invasion. Only last year the First Lord of the Admiralty had said that he did not like phantom ships. [MR. HUNT: No, no!] Well, he was sorry if his right hon. Friend did not say so; but, at all events, it could not be denied that he had spoken in terms of strong disparagement with respect to the condition of the Navy. [MR. HUNT: Hear, hear!] He fully expected that frank and candid admission. But what he felt was that the right hon. Gentleman, having commenced his career with that admission, ought at least to have made some attempt, colloquially speaking, to put things right. There was only one remedy for inefficiency—money; but, unfortunately, his right hon. Friend had not the political courage to ask the House to furnish him with the means required to amend the defects which he himself had published to the world. If the First Lord had done so, his conviction was that both the House and the country would have responded cordially to the appeal, and the First Lord would have been at once placed in a position to remedy the deficiencies of which he so



justly complained. He (Mr. Bentinck) contended that the present condition of the Navy was not what it ought to be, either in point of the number or of the efficiency of our ships. Modes of aggression were now so numerous, the masses of troops which might be poured upon our shores were so enormous, that it was rash to assert that our Navy was at present sufficient even for purposes of home defence. When England used to claim the sovereignty of the Seas, it was on the ground that we were prepared to contest it against the world united. But was the British Navy ready to contend now even against two of the great naval Powers united? We had no ships which could be handled under canvas alone without assistance from their engines; and a vessel which could not keep the sea when her coals were out could not be called a sea-going or efficient vessel. True we had a fleet such as it was—no two alike, various monsters of all shapes and sizes, some going faster than the rest, while some would and some would not answer their helms, and nobody knew which was the best or the worst. But there was another point to be borne in mind, and that was our want of experience as to the result of a naval engagement between iron-clads. It had been asserted that within a couple of hours after the commencement of such a battle all that would be left would be a few hats floating about on the water. Well, if that were likely to be so it became a very serious matter indeed for us to consider the question of having a reserve of ships. In olden days we had a larger number of ships in reserve than were actually engaged; but if our Channel squadron went into action and four or five heavy ships were disabled, where was the British Navy? He would appeal to his right hon. and gallant Friend (Sir John Hay) whether the whole thing was not an experiment, and whether we were not trusting not only the honour, but the safety of the country to a number of untried ships. But there was another important point. In the event of a war, where were the ships with which we were to protect our commercial operations? Had hon. Gentlemen on both sides who were largely embarked in commercial affairs ever considered what would be the position of the commerce of this country in the event of the outbreak of a general war? Was his right hon. Friend the

First Lord of the Admiralty prepared to say that he had such a fleet in reserve as could protect it? For he need not tell his right hon. Friend that we should want not only a vast number of ships for that purpose, but they should be ships of a particular class—not armour-clad, but vessels carrying, perhaps, one heavy gun, and of great speed, so that they could choose their own mode of fighting, and not only protect our commerce, but harass that of the enemy. Well, where were those ships, and where were the funds by which they were to be constructed? Was his right hon. Friend prepared to tell the House either that he had those ships or was preparing to build them? [Mr. HUNT: Hear, hear!] But they could not be built in days, or weeks, or months, and yet the necessity for them might come at any moment. He contended that it was downright insanity on the part of this country, having an enormous mass of wealth embarked in commercial operations, not to take steps while we had time and means to protect it. And yet here they were, about 60 Members of the House of Commons listening to his remarks, and the other 600 at their dinner—the House and the country appearing to be perfectly indifferent on the matter. Hon. Members would remember, too, that this country greatly, if not mainly, depended for supplies of food on other nations. Not two months ago there was what in the commercial world was called “a panic,” in the social world “a scare.” The Great Powers were seeing how they could raise 1,000,000 or 1,200,000 men and arm them most effectively. We might rely upon it that those panics or scares were not without a foundation; and what, he might ask, would be the position of this country in the event of a sudden outbreak of a European war? There was a fond idea that privateering was abolished by the Declaration of Paris. But we all know that declaration, whether ratified by treaty or no, was not worth the paper on which it was written. The very moment war broke out, those countries which would benefit by privateering would resort to it. We probably should be the last to do so, until we should be half ruined by our own folly, for we should have some scruples about the Declaration of Paris, but others would not be so scrupulous. What

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would be our position if other nations were to take to privateering, and not only destroy our commerce, but deprive us of supplies of food which were indispensable to our existence. Our first duty was then, without a moment's delay, to supply ourselves with a large number of ships of a character best adapted to protect our own commerce and destroy that of the enemy. The torpedo was about to become the great implement of maritime war. If his right hon. Friend (Mr. Hunt) would make up his mind as to what he wanted for torpedoes and vessels to ensure the safety and honour of England, neither the House of Commons nor the country would begrudge the money that was necessary. His right hon. Friend could not better employ his energies than by devoting them to this entire question.

MR. E. J. REED, who had upon the Paper a Notice—

"To call attention to the principles which had been and are being adopted in the construction of Her Majesty's ships of war,"

said, he thought he should best consult the convenience of the House by making what observations he had to offer a continuance of the present discussion rather than the beginning of a new one. He was reminded by the course which the debate had taken of an incident that occurred at the last anniversary of the Royal Academy dinner, when the First Lord of the Admiralty complimented the artist who had painted the *Devastation* for having enveloped the greater part of the vessel in smoke, while he decorated the remainder with a great variety of colours. He feared that some of the artists who undertook to describe our iron-clads pursued very much the same course, enveloping the greater part of the subject in smoke and describing the remainder in such a way that he entirely failed to recognize it. His hon. Friend the Member for Hastings (Mr. Brassey) had not diverged into any random criticism of Her Majesty's Navy, but rather drew attention to certain general principles which ought to be followed. He ventured to think that a most commendable course. The hon. Member for West Norfolk (Mr. Bentinck) had spoken on two points of the greatest importance, and on both he had conveyed an unfair impression to the House. The hon. Member for West

Norfolk said we had in our Navy no two ships alike. Now, there could be no greater mistake. We had several groups of ships quite alike, and other groups which differed very little from each other. The present Government, when last in office, laid down six ships which were in many respects alike—namely, the *Swiftsure* and *Audacious* class; before then the *Warrior* and *Black Prince* were alike; so were the *Defence* and *Resistance*, the *Hector* and *Valiant*, and many others. Then, the late Government laid down four ships of a like class. He might go on and show that where ships differed materially they did not so differ as to make them incapable of being together in an action. One of the distinguishing merits of our Navy, which was recognized throughout the world, was that we did introduce continual differences in our ships, because we made that very desirable thing, continual progress. The French pursued a totally different course. Last year they heard speeches describing the inefficient condition of the French Navy, and the cause of that inefficiency was that they laid down the proposition that they would make all their ships alike. The consequence was, they for a long time made no progress. In a general action nothing could be more embarrassing to an enemy than the uncertainty he must feel as to the capabilities of ships of different kinds, particularly if he knew that the diversity arose from improvements. The hon. Member for West Norfolk had altogether depreciated the sailing qualities of our iron-clad fleet; and that error, although much better founded than the other, was, nevertheless, of an equally grave character. He (Mr. Reed) did not wish to maintain that armoured ships were as efficient in sailing as unarmoured. They had not the same size of masts, or spars, or spread of canvas. In the *Duke of Wellington*, and similar ships of the unarmoured type, they had reached the largest size in which they could send men aloft to handle the sails, and as iron-clads were larger in bulk amidships and elsewhere, and had a far less spread of canvas, they were, of course, inferior in sailing qualities. An attempt had been made to remedy that by increasing the number of masts; but after a trial that was abandoned by general consent. But equal sailing qualities were unneces-



sary, as they had larger steam power and great advantages in other respects. They were, however, far better sailers than the hon. Member for West Norfolk imagined. This was easy of proof from the official Reports, from which he should like to give an extract or two. Admiral Yelverton said of the *Research* that she sailed well at all times. She took the first place and was twice second. Of the *Pallas* he said on all occasions on trial at sea she proved herself far superior to the rest of the squadron. Her power of going to windward was very extraordinary. Of the *Bellerophon*, her captain said, speaking of her voyage to Maderia, the passage from Plymouth was made in eight days, almost entirely under sail, with a heavy sea running. She proved the best and easiest ship at sea he had ever served in. Of the *Hercules*, the late lamented Admiral Sherard Osborn said, as a sailing ship, she struck him as a most efficient cruiser. Of the *Invincible*, Admiral Yelverton said, in 1872, she behaved remarkably well under canvas. Captain Commerell reported favourably upon the *Monarch* as buoyant and a very fair cruiser. The *Favourite* came from Halifax to Spithead in 17 days, and went as much as nine knots an hour, with a force of wind from five to seven against her. He had many other extracts from Reports, but would not weary the House by quoting them. We were accustomed outside the House and sometimes in the House to very confident criticisms upon our ships from persons who had no experience of them; and adverse opinions from officers of experience were often very materially qualified. From a distinguished officer who had had more experience of our iron-clad ships than any other, Admiral Sir Hastings Yelverton, he had received a letter in which the writer said—

"If I begin by the little *Enterprise*, whose performances both under steam and canvas astonished us all so much in the Mediterranean in 1864, it is only to fix a starting point in the long experience I have had of your ships. When in command of the Channel Squadron in 1867 I had good reason to know and appreciate the fine sea-going qualities of your *Bellerophon*, both under steam and sail, in a month's cruise off Cape Clear; and when in 1870 I commanded the same squadron I became acquainted with your *Hercules*, combining, as she does to the present hour, all the advantages of the finest frigate afloat, crowned with those indispensable fighting qualities so peculiar to the iron-clad of her class. When cruising in the Atlantic in

1872, I had several of your ships under my command, and had great reason to be pleased with their handy performance in fleet evolutions, their stability under sail, but above all their great warlike qualities. I have tried your *Invincible* and *Swiftsure* against the wooden frigates *Aurora* and *Endymion*, much to the advantage of the first two in stability as gun platforms and great power as engines of war. These and other instances I could mention in support of the efficiency and superiority of your ships at sea, and, as I speak from experience and not hearsay, you are at liberty to quote me to any one you please. I make no mention of the *Sultan*, and others of your ships I have not seen at sea; but, if in their increased proportions they are equal to your numerous vessels I have had under trial, they will add to the credit we already deserve for having made our iron-clad the pride of the country and the envy of foreign nations."

He hoped that statement would carry more weight than irresponsible statements made by gentlemen without experience, and many of which were as true as that made the other day about the *Devastation* being a Black Hole of Calcutta, which was promptly corrected by the official declaration that her ventilation was superior to that of any vessel in the Mediterranean. He felt the greatest possible sympathy with the object of the hon. Member who moved this Motion, and who had done great service by the speech which he had delivered. There could be no doubt that in seeking to obtain our unapproachable power we had not hesitated to build ships of very large dimensions; but we should not lose sight of this—that the largest ships now building was not bigger than several others, like the *Minotaur*, the *Agincourt*, and the *Northumberland*, that we began to build 10 or 12 years ago. He had no wish to praise ships with the construction of which he had been connected; and he would remark that no one ship was the production of a single mind. The Board of Admiralty, the Controller of the Navy, and the Chief Constructor of the Navy, all contributed to the production of each ship, and much of the excellence of these vessels was due to the experience and advice of naval officers who were members of the Board, and also to the naval officer who was Controller of the Navy. He did not wish to vindicate himself, for he did not feel the necessity for that vindication; but whilst he sympathized with the hon. Member who moved the Resolution, he was obliged to differ very much as to some of the grounds upon

Mr. E. J. Reed



which he had based his Motion. It had been said that it was impossible by armour to resist submarine attacks or the fire of heavy guns. With regard to the guns, that was precisely the proposition which he had heard ever since we ventured to build armour-plated vessels. We had always been told that it was impossible for armour to resist guns, and yet we had during all this time been in the possession of many ships that were impregnable to every gun afloat in the service of any other country. This was also the position in which we stood at this moment. We had at Malta, Portsmouth, and Pembroke ships absolutely impregnable to every gun afloat in the service of any other country. If it was said the power of the gun was increasing enormously and rapidly, he answered so was the armour-plating; and when the *Inflexible* was completed, if she was the kind of ship we had been led to believe, her armour-plating would be impervious to any gun afloat in any ships except our own. It had been said that no fewer than 10 100-ton guns were now being made for foreign Powers by one private firm; but even supposing this to be true, and the guns would penetrate—which he did not for a moment believe—the *Inflexible*, still, it did not matter to this country until those guns were afloat. When it was said that other nations were reluctantly following us, it was not seen that we had the advantage in being able to do what others were reluctant to do, and that this fact assured us our pre-eminence. It would be unfortunate if it were the other way, and if we had to follow and imitate other nations. We were stronger now because other nations had to begin to build their own ships, and could only build them slowly. Russia, for instance, had been building the *Peter the Great* for five or six years, and the vessel was not finished yet. We were stronger, again, because these larger vessels were more powerful than the vessels we began with. It was said that the torpedo was to supersede all these vessels, and that the proper thing to do was to set them aside, and to develop the torpedo, and he was surprised at the reference made to Admiral Porter, whose Report he happened to be reading at the time. Admiral Porter said that we should run into error if we supposed that ships of war would be driven from the ocean by the torpedo alone.

The torpedo, he said, was but an adjunct, and there were certain times and circumstances, and only then, when it had the advantage over big guns. Admiral Porter had also reported on the *Alarm* and *Intrepid*, and he was perfectly aware that whatever power the torpedo might possess, every one of our iron-clad vessels had been furnished for some years past with the ram, and he had never heard that a torpedo would make a much bigger hole in the sides of a vessel than the ram. The ram, indeed, in Admiral Porter's opinion, ranked higher than the torpedo in naval warfare, and he relegated both the *Alarm* and the *Intrepid* to the purposes of coast defence. This, at all events, might be said of the torpedo, that, whatever its capabilities might be in the future, its powers were at present undeveloped. It was said it might be discharged from the broadside of a vessel under water; but one of the most successful improvements in naval warfare had been in the increase of range in our guns. No example of a successful use of the torpedo in naval warfare could be quoted, nor had it been proved to be a handy or manageable weapon. If it realized all that could be expected of it every vessel might be furnished with a torpedo, for he was at a loss to know what there was in a torpedo ship that could not be applied to the great bulk of existing ships of war. It had not been proved, moreover, that the torpedo was efficient against armour when it struck armour. The armour of our iron-clads went a good way down into the water, and it could go lower if necessary, and by a modification of the form of a vessel it was possible to present armour everywhere to the attacks of the torpedo. A circular iron-clad belonging to Russia had recently been cruising in the Black Sea, the armour-plating of which went down to the bottom of the ship. There was, therefore, no reason for calling upon the Government to abandon armour on account of the torpedo. It was strange how any person who had thought the matter over could lend himself for one moment to an argument so utterly worthless and without foundation, that because armour had been abandoned for the defence of the person of the soldier, that it was to be abandoned for the engines, boilers, and machinery of a ship. A moment's reflection must show

that the power of carrying personal armour was limited, but not so with a ship. We began with 4½-inch armour, which was thought to be wonderful, but we had now got to 24-inch armour; and the *Inflexible* which would carry it, would be as fast, as handy, and as mobile as any vessel that had preceded her. There was nothing in the universe to surpass the mobility of these iron-clads, for the motion of a body weighing 10,000 tons could be reversed in a minute. There was no practical limit to the thickness of armour as occasions might arise; but the Admiralty had now included in their programme two vessels singularly fast, to be built of steel. They did not calculate upon deriving any great advantage from the saving of weight, but the time had arrived when that long standing dream of naval men—very fast vessels of small dimensions—seemed about to be realized, from the introduction of improved material. References had been made to the opinions of foreign gentlemen, but foreign Navies supplied many instances of inexperience. There were two vessels being built for the Italian Navy—one which he saw at Spezzia, and the other more advanced at Castellamare, which supplied an illustration of the great value of our going ahead. When they were designed it was thought they would take a pre-eminent place in Europe, but almost before they were commenced the British Admiralty, animated by a progressive spirit, developed the *Inflexible*. And what had been the consequence? Why when the British Government commenced to build the *Inflexible* the Italian Government felt that their new ships would be behind the time, and they immediately introduced such alterations in them as would enable them to carry heavier armour, with the result, as he was afraid, that their ships would not be so efficient as they were originally intended to be. He maintained that it was a great advantage to this country to be able to put foreign Powers in such a position. We spent from £10,000,000 to £12,000,000 a-year upon our Navy for the purpose of securing naval pre-eminence; and he maintained that our naval position was pre-eminent, although we had not so many ships afloat as he should like to see; and of those £10,000,000 or £12,000,000 none were spent to better purpose than the £1,000,000 which was

expended on the construction of our ships. He knew that the hon. Member who had introduced this question was no advocate for cheese-paring, and had brought forward the subject in the interest of the Navy, which he believed would be rendered more efficient by the building of smaller vessels. All those who had held high office in the Admiralty knew that there was a great demand in that Department for an increased number of these smaller ships; and his opinion was that we ought to turn our attention to the construction of such vessels for some time to come. We knew that ships of the *Audacious* class carried our flag into distant seas where nothing floated that would compare with them. We knew that the smaller Powers, such as the Southern States of America, the Chinese, and the Japanese, were building iron-clads of a minor class, and that we must have vessels of a similar character which would bear our flag into their seas, and the proposition of the hon. Member would have had a valuable result if it stimulated our Government to construct them. The Government had been strongly urged to abandon armour on our ships altogether; but he trusted that the observations he had made would make the right hon. Gentlemen opposite reflect before they adopted that advice. It would be greatly to be deplored if England, with all her wealth and her light taxation—because it was difficult to find out in what the pressure of taxation that was said to be so heavy upon working men consisted—should take the alarming course of abandoning armour-plated ships. Should we do so we should be no better off than other people were. The smaller class of unarmoured vessels possessed of great speed might do much good service; but he hoped that we should not abandon the construction of the larger class because when a small vessel was in a heavy sea, almost all the speed that she developed in smooth water disappeared, whereas that of the larger class remained. He should deplore the fact that the bulk of English vessels should carry only such light guns as could be put on board the Cunard and other mercantile vessels. The *Inconstant* with her enormous speed and her overwhelming battery, although she was costly, was well adapted to represent the power of England all over the world. It would be a deplorable policy if for the sake of a pitiful economy

we were to deprive ourselves of the superior class of ships; and he trusted that we should not adopt it, although he hoped the Government would see their way to follow the course that had been pointed out to them by the hon. Member.

MR. GOSCHEN said, that no one would deny the importance and value of the Motion brought forward by his hon. Friend. He trusted that the hon. Member for West Norfolk (Mr. Bentinck) would not think that he was saying disrespectful to him when he expressed his regret that he had introduced into this debate, which had reference to the size and dimensions of our ships, the larger question on which the hon. Member so much delighted to enlarge—namely, the alleged deficiency of the British Navy. The hon. Gentleman had complained that so few hon. Members had been present when he had made his remarks—a circumstance which he attributed to the degeneration of the House of Commons and its want of interest in the Navy. The hon. Member, however, must recollect that he had given no intimation of the course he intended to adopt of making most reckless and sensational statements respecting the British Navy, otherwise the attendance would probably have been larger. He regretted that he must turn for the moment from the important question which had been brought forward by the hon. Member for Hastings to deal with the assertions of the hon. Member for West Norfolk; but unfortunately the statements of the latter would be published in the newspapers, and would be read in foreign countries, and would, doubtless, if uncontradicted, carry great weight with them, and he was anxious, as far as he could, to meet and repel those assertions. The hon. Member said that he had not heard of any ships that were built, or that were being built, that were fitted to protect the commerce of the country. But the hon. Member never heard anything, and it appeared to him never understood anything, otherwise he would have remembered the statement the First Lord of the Admiralty had made respecting the number of such ships that we possessed. The hon. Member urged upon the right hon. Gentleman the necessity of building more ships, and yet, in the same breath, he declared that the ships that were built were useless, and would be blown into the air by

torpedoes. The hon. Gentleman had never said what type of vessels he would wish to see built. He (Mr. Goschen) was quite sure that the House would be ready to vote such sums as the First Lord of the Admiralty, on his responsibility, considered to be necessary to secure the protection and promote the honour of this country. The hon. Member for Hastings (Mr. Brassey) was no doubt right in saying that we ought to have ships as numerous and as effective as possible; but he was in error when he stated that large ships were built in deference to public opinion rather than with a view to efficiency. Generally speaking, the scientific officers of the Admiralty aimed at having the best ship possible, which was in many cases—perhaps in most cases—the largest, and they shrank from building ships which might be unable to cope with an enemy. The result was, as the hon. Member for Pembroke (Mr. E. J. Reed) had said, that we were now in a position to cope with any ship or any combination of ships that could be brought against us. The hon. Member for West Norfolk doubted whether anybody would get up in that House and assert that our Navy could cope with that of any two foreign Powers; but the fact was that the Secretary to the Admiralty last year made a much stronger statement—namely, that our Navy could fight the combined Navies of, at least, three other Powers. [Mr. A. EGERTON: I said they would be ready to fight them, which is a very different thing.] Well, he believed we should be ready to fight many more than three, and, what was more, that we should be successful in the attempt, and he had no doubt that any suggestion to the contrary would be repudiated by every naval officer in the Service. He had listened with special pleasure to the hon. Member for Pembroke (Mr. E. J. Reed), because not long since that hon. Gentleman had considerably perplexed the public by his reference to one or two large ships, especially the *Peter the Great*, belonging to foreign countries; but now we enjoyed the assurance of the hon. Gentleman that our superiority was every day becoming greater. Great strides had been made in the building of our large ships of recent years. While the late Government were in office an advance was made from 14 inches to 24 inches of armour, and from guns of



38 to guns of 80 tons; and when hon. Members deplored the small number of existing iron-clads, it was to be borne in mind that had the late Government built ships at the rate they were urged to do, a large portion of our Navy would now have been obsolete. But, although he advocated the building of large ships, he was perfectly alive to the desirability of having small ones; for it would obviously be a great waste of power to send large ships on service for which small ones were equally suitable. The French possessed one class of ships which always struck him as deserving of consideration. He referred to the *Alma* class, of which they had 10—namely, small, useful, swift iron-clads, capable of dealing a heavy blow in distant parts. In view of what those vessels could do, he thought the Admiralty would be well-advised in urging their constructors to produce vessels of a similar type, and to multiply them consistently with the wants of the service. He quite agreed with the hon. Member for Pembroke in his concluding remarks. We knew as yet so little of torpedoes that the Government of this country would incur a very great responsibility if, from any fear of that form of weapon, they abandoned the construction of ships of first-rate power. However, there was too much ability among the officials of the Admiralty for our position to be unsafe, and he was quite sure that the right hon. Gentleman at the head of the Department would find no difficulty in solving the problem of naval construction.

MR. HUNT said, the discussion had been of a twofold character, consisting partly of advice and partly of remonstrance; but the singularity of it was that the advice had come from hon. Gentlemen opposite, and the remonstrance from Gentlemen on his own side of the House. The hon. Member for West Norfolk (Mr. Bentinck) had quoted the description he gave of the Navy last year, and said nothing had been done to remedy it; but he dealt with the subject when he introduced the Navy Estimates, and he was unwilling to repeat himself now. However, he pointed out that the condition of things he deplored had resulted from undue reduction of Estimates that the right hon. Gentleman (Mr. Goschen) who immediately preceded him in office had taken considerable steps in applying. He

Mr. Goschen

pointed out how the dockyards had been reduced, and he made demands accordingly—demands which were cheerfully complied with by the House. The hon. Member (Mr. Bentinck) asked what he had done to protect our commerce? His answer was that his very first act had been to propose to lay down two armoured cruising ships for the purpose of protecting our commerce, of an improved *Shannon* type, and they were now in the hands of the contractors. They were specially designed for this purpose, would have a speed of one knot more than the *Shannon*, considerable addition to the hold stowage, and more deflection in the after-part of the ship. How, then, could it be said he had done nothing? [MR. BENTINCK: I said very little had been done.] He accepted the amendment; but the real question was, at what pace we were to build these ships? The hon. Member (Mr. Bentinck), when he was addressing the House, complained of the emptiness of the benches, and inferred from that circumstance an indifference with regard to this question. He differed from the hon. Member's view, for he thought it showed great confidence in the administration of the present Government, and that hon. Members were quite satisfied that the Admiralty were doing all that was necessary in the matter. This year he proposed to lay down and proceed with two fast armed despatch vessels. He alluded to them when introducing the Estimates, though the designs were not settled then. They would, he believed, be the fastest ships of war afloat, supposing they realized the expectations of their designers. Their speed would be between 17 and 18 knots: they would not carry more armour than was sufficient for the purpose of annoying an enemy's commerce at sea. He hoped, therefore, the hon. Member was satisfied that the Admiralty were making increased efforts to put the Navy in the position in which it ought to be as regarded the protection of our commerce and annoyance to the enemy's. He would not at that late hour travel over the same ground as the hon. Member for Pembroke (Mr. E. J. Reed), who had discoursed so ably on so many points: he would rather say how far the Government proposed to go with the hon. Member for Hastings (Mr. Brassey) in the recommendation he had

made. The question of building iron-clads of a less size had been mooted at the Admiralty, and the prevailing view accorded to a great extent with that of the hon. Member. It was proposed to lay down two ships of the *Inflexible* type, modelled to a certain extent upon that ship, but of considerably less dimensions; that they should be turret ships, and each have an armoured central citadel. Each would be subdivided into a large number of separate watertight compartments; their speed would be 13 knots an hour; as compared with the *Inflexible* the displacement of tonnage would be something over 8,000 as against 11,163; and the cost was £400,000 as against £521,000 for the *Inflexible*. To that extent they were following the recommendation of the hon. Member. Of course, as had been remarked by the hon. Gentleman opposite (Mr. Goschen), whatever design of ship you build it must be more or less of a compromise; but it would be utterly impossible, except in ships of a certain magnitude, to have the essentials of thickness of armour, weight of armament, and speed. These conditions were satisfied in the ships which we proposed to build. Considering the various requirements of the present day, our ships must be of different types, different rates of speed, different dimensions, and carrying different armaments; and it would be impossible to go on building the same class of ship without variation. Those which were laid down last year were designed at the Admiralty to be fast, armoured, ocean cruisers. Of course they would be powerful ships of battle, like some which had preceded them; but they would be useful for aggressive purposes, and they would be more powerful than many foreign ships of battle. At the same time, their general cruising qualities would make them useful ships in all parts of the globe. The two ships of the *Inflexible* class which it was now proposed to build would be essentially ships of battle, and their cruising qualities would not be as great as those of the ships laid down last year. He believed they would be powerful, and their cost would not be anything like that of the *Inflexible*, so that for the same amount of money more would be built. As to the argument that the invention and development of torpedoes would do away with

the necessity for building armour-clad ships, whatever might be the issue of that development, he agreed with the hon. Member for Pembroke that the time had not yet come for us to give up our armour-clad ships. No doubt, torpedoes would play a large part in future wars—how great it was impossible for anyone to say; but we could not yet, on account either of guns or torpedoes, give up building armour-clad vessels. His information did not lead him to believe that any foreign Government had given up building armour-clad vessels. He hoped the information he had given would be satisfactory, and that they might be allowed to go into Committee of Supply.

#### IMPRISONMENT OF POLITICAL OFFENDERS.—OBSERVATIONS.

Mr. MITCHELL HENRY, who had given Notice of the following Motion:—

"That an humble Address be presented to Her Majesty, praying Her Majesty that She will be graciously pleased to give directions to Her diplomatic servants on the Continent of Europe, and in America, to inquire and report, in the respective countries to which they are accredited, what is the practice relating to the imprisonment and trial of persons charged with political or other offences, and what are the rights of such accused persons to require an immediate trial, or a trial within any specified period; and whether the laws admit of the close and prolonged imprisonment of a subject of those countries, and of his subsequent discharge, without being brought to trial,"

said, it was popularly supposed that the liberty of the subject was better taken care of in England than in any other country, and our statesmen had felt free to denounce foreign oppression, as Mr. Gladstone did in his pamphlet about the prisons of Naples. Recent events had shaken the faith of many as to the freedom of Englishmen. By the law of elections a single Judge could taint the character of individuals who might be guilty of technical though not of moral offences, and at the discretion of a single Judge they might be condemned to political ostracism. The right hon. Gentleman the Home Secretary must, in the course of last year, have become acquainted with the manner in which the doctrine of "contempt of Court" had been exercised by the Judges, and he (Mr. Mitchell Henry) hoped that the House of Commons would take care that the liberty and rights of the subject

should be more effectually protected in future. He desired now to allude to the fact that an individual in Ireland had been thrust into prison, and there kept confined in a dungeon for three years and a-half at the will of one man, and turned out without having been brought to trial or told what the charge against him was, or why he was thus treated, why his prospects had been blighted, his home broken up, and his feelings outraged. He (Mr. Mitchell Henry) had brought this question under the consideration of the House of Commons a few days ago, and asked for an inquiry into the circumstances; but the House refused to allow an inquiry to be made into the matter. That was a thing which would be recorded and commented upon by some future historian, and would excite surprise not unmingled with other feelings. If the House of Commons allowed a man to be kept in prison in Ireland for three years and a-half, and then at the expiration of that time to be turned out without trial, what man could say his liberties were safe? His hon. and learned Friend the Member for Limerick (Mr. Butt) had brought the case before Parliament on a former occasion, and consequent upon that the man was thrust out of prison, but without inquiry into the cause of his long imprisonment, and why he had been kept there without being brought to trial. He (Mr. Mitchell Henry) had here a pamphlet, written by an eminent and distinguished man (Mr. Gladstone) in reference to the treatment of prisoners in Naples. That pamphlet caused a great sensation at the time. The prisoner alluded to by Mr. Gladstone had been then 18 months confined without being brought to trial, and the right hon. Gentleman the writer of the pamphlet stated he had visited and seen him; but did he visit the poor man who had been cast into prison in Ireland, and there kept for three and a-half years without being brought to trial? In the pamphlet the writer denounced the proceedings in relation to the Neapolitan prisoner as an outrage upon humanity and upon religious feeling, and he (Mr. Mitchell Henry) must denounce the proceedings against the poor man long imprisoned in Ireland, and then turned out without trial, as an outrage upon the best feeling of humanity and upon civil liberty and religious feeling. He must say that if

*Mr. Mitchell Henry*

the House of Commons did not awaken to such a damning fact as the incarceration of that poor man, without even the charge against him—if there were any—being communicated to him, the sense of liberty and justice in England was retrograding. Although by a slight manœuvre on the part of the Government he was unable consistently with the Forms of the House to bring his Motion to a division, he maintained that those things demanded an answer, and an immediate answer. If there was one spark remaining of that feeling which won all the liberties of this country, he called on the House to rouse itself to the magnitude of that question, and to determine whether or not that was the law which the people of England desired to have in operation in any part of Her Majesty's dominions.

MR. FORSYTH: I rise to Order. The Question before the House has no relation to the matter on which the hon. Member is now speaking. Sir, I want to know whether the hon. Gentleman is at liberty to stray from the Question before the House, and call its attention to a matter about Patrick Casey—a question on which the House has already decided.

MR. SPEAKER said, the Question before the House was that he should now leave the Chair, and the Motion of the hon. Member could not be put. The hon. Member had not been out of Order in the observations which he had made; but he could not review the decision to which the House had come on the case referred to.

MR. MITCHELL HENRY said, he was not in any way reviewing the decision of the House in this case, but he was asking the House to aid him in obtaining information in reference to the case of the man who had been so ill-treated as he had described; and he would venture to tell the hon. and learned Gentleman who interrupted him that in this country, by constitutional principle, money could not be obtained until the grievances of the people were inquired into. The magnitude of the Motion which he brought before the House in relation to their liberties was most important and deserving of every consideration. And, on such a question, the time he had now occupied in calling the attention of the House to it was surely not unreasonable. He submitted that



the Act of 1871, under which this man was thrust into prison like a dog, was most harsh and oppressive, and ought to be repealed. The man, he repeated, was thrust into prison like a dog. Yes, and was thrust out of prison like a dog, without accusation and without trial. ["Oh, oh!"] Hon. Members cried "Oh;" but it was so. He (Mr. Mitchell Henry) was pleading now in the name of justice, and in the name of humanity, and he was also pleading in the name of freedom to have inquiry made into the case of this poor man. When hon. Members went abroad during the Reces he hoped they would not show any longer the self-satisfaction for which Englishmen had a reputation among other nations, that they would not hold up their hands and thank God that England was not as other countries were. With one exception, he believed, there was no country in Europe where such a thing could have happened as that to which he had drawn attention. He trusted Her Majesty's Government would grant the information which he moved for; and especially that they would ascertain what were the laws in foreign countries under which persons could be cast into prison without knowing for what, and kept there for a long time, and then turned out without trial. He would, in conclusion, say that he was determined to bring this question before the House and the public until he obtained the information which he deemed it his duty to ask for.

MR. O'CONNOR POWER said, under the Habeas Corpus Act in Ireland many persons could be imprisoned without any charge whatever.

MR. SPEAKER pointed out that the hon. Member had already spoken to the Question before the House — namely, that the Speaker do leave the Chair, and therefore had no right to speak again.

MR. PARNELL said, that the Irish people objected to the treatment of the Irish political prisoners. He referred to the case of Daniel Reddin, who at the close of the Fenian troubles was sentenced to five years' penal servitude. In consequence of the hardships inflicted upon the man he was seized with paralysis, and the prison officials, acting upon the assumption that was malingering, applied strong electric batteries to him twice a-day, blistered him, and thrust sharp instruments into the muscles

of his legs. [*Laughter.*] It was no laughing matter, as he (Mr. Parnell) was only stating facts. In addition to this, they, in the winter time, put him naked into a cell; and when he was physically unable to take exercise in the prison yard, caused him to be dragged to and fro, first by convicts and afterwards by warders. Finally, he fell from a height when endeavouring to shield a fellow-convict who had done for him work which he was unable to accomplish, and was then discharged from prison. He afterwards took steps to obtain redress in a Court of Law; but on the medical officers making affidavits to the effect that they had simply applied to the man the tests usual in cases where it was suspected that paralysis was assumed and not real the Judge of the Court stopped the proceedings, and the man altogether failed to obtain the redress he sought. This was a gross case, and he hoped that if Parliament did not take up the case English public opinion would be clearly expressed concerning it.

MR. MELDON referred to the case of an Irish political prisoner named O'Brien, who for six months was kept in chains, and for what? Merely for doing that which he had a perfect right to do if he could — namely, to escape from prison. It was the duty of the prison authorities to prevent the possibility of his making his escape, but not by loading him with heavy chains. Notwithstanding the hardship of this man's case, the House had heard the Home Secretary express approval of the course adopted by the prison officials. He believed that many of his Friends about him could bring forward similar cases of hardship and injustice. It was only a day or two since they heard that Dr. Bernard, who had been found by a coroner's jury to have by unkindness accelerated the death of a prisoner, was still an honoured Government official. These were matters which the House ought not to overlook.

MR. ASSHETON CROSS said, that at his instance a searching investigation had been made into the case of the prisoner to whom the hon. Member who had just sat down had referred, and it was found that he had not been guilty of unkindness or want of skill or attention, but that there had been a certain amount of brusqueness in his dealings

with his patients of which notice ought to be taken. Upon that subject he had been communicated with and cautioned. With reference to the question brought more immediately under the notice of the House, he had only to say that if the hon. Member (Mr. Meldon) would furnish him with the name of the prisoner and the place of his confinement, he would have an investigation made into the circumstances of the case.

MR. FORSYTH protested against the waste of time which was occasioned by the bringing forward of individual cases of alleged hardship without Notice to the House.

MR. T. E. SMITH observed, that the hon. and learned Gentleman who had just spoken seemed to forget the constitutional principle, that grievance, even individual grievance, preceded Supply. This was not a Party question, and no one would maintain that a man had a right to be taken up, kept in prison, and discharged without a trial. He was surprised that no Member of the Government connected with Ireland had given any explanation of the matters complained of.

MR. O'CLERY observed, that a feeling prevailed in Ireland that political prisoners were unfairly treated and persecuted, and that it was the duty of the Government to institute a public inquiry into the treatment which they experienced. He held it was high time that this matter was thoroughly investigated. The mere word of the three Commissioners would not satisfy the country in the face of the recent inquest. Foreign countries would have a curious opinion of England after reading in the newspapers that when a case of real hardship was submitted to the House of Commons it was simply treated with laughter.

MR. O'SLAUGHNESSY said, the language and conduct of the Home Secretary, who had promised to give these matters his full consideration, would be received with respect in Ireland. Far different, however, would be the feelings elicited by the laughter and ironical cheers of hon. Members opposite when Irish Members addressed the House. The question before the House was one touching the liberties and even the lives of Irishmen, and, to say the least, it ought to have received more consideration. A case of alleged cruelty had been brought before the House, and

it had been treated in a manner which he would not comment upon. He was afraid that was not the way to promote peace and reconciliation with Ireland. He thought a case had at least been made out for inquiry.

SIR MICHAEL HICKS-BEACH said, his silence thus far was not due to any want of feeling with regard to the statements which had been made, and he was sure that the matter of those statements had not caused laughter on that side of the House, although the manner of some hon. Gentlemen opposite was calculated to provoke a smile; and looking at the countenance of the hon. and learned Member for Limerick he thought that at one moment he had rather shared in that feeling. It was, in fact, painful to Her Majesty's Government to be obliged to maintain exceptional laws in Ireland. The desire of the hon. Member for Galway was that information should be obtained respecting the state of the law in foreign countries; but he failed to see what useful object could be attained by the collection and publication of such information. He might, perhaps, be excused if he did not refer to the particular case to which attention had been called, inasmuch as it had already been discussed half-a-dozen times this Session. The Government admitted that the state of the law in Ireland was exceptional, and that in this and other cases it had been found necessary to enforce it.

MR. BUTT said, that if his countenance betrayed a laugh his countenance was false, for there was nothing in the discussion to call for laughter. Hon. Members on the opposite side below the Gangway seemed to gloat over the sufferings of the Irish prisoners in a manner which if not inhuman was unfeeling. Their conduct was calculated to create more ill-feeling in Ireland than anything else he knew, and he regretted the Home Secretary should have said anything to justify the placing in chains a man who should endeavour to make his escape from prison, as such treatment was contrary to the spirit of the British law. He would call the attention of the Premier to the impolicy of continuing the imprisonment of some 13 or 14 military men. Would it not be wise and prudent to recommend Her Majesty to put an end to these irritating discussions to throw open the prison

doors by a general amnesty to all who were now confined? The punishment had been long enough, and it would be a wise and judicious act on the part of the Government.

SIR JOHN LUBBOCK regretted that the medical profession was not more largely represented in the House, and remarked that it was not clear that the treatment adopted in the case described by the hon. Member for Meath (Mr. Parnell) was so objectionable as might, at first sight, appear. At any rate, more details were necessary before the House could judge of the matter.

**Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.**

#### SUPPLY—NAVY ESTIMATES.

**SUPPLY—considered in Committee.**

(In the Committee.)

**Motion made, and Question proposed,**

"That a sum, not exceeding £1,322,069, be granted to Her Majesty, to defray the Expenses of the Dockyards and Naval Yards at Home and Abroad, which will come in course of payment during the year ending on the 31st day of March 1876."

MR. GOSCHEN suggested that as this Vote and Vote 11 (New Works, Building Machinery, and Repairs) contained much controversial matter, that at that hour a fair opportunity would not be afforded to Members who were anxious to express their opinions on the subject. He hoped the right hon. Gentleman at the head of the Admiralty would consent to postpone the consideration of these Votes.

MR. BENTINCK said, that on a former occasion, when he was attempting to express his opinion to the House on the Navy Estimates, after having his statements either directly contradicted or treated in a manner which was on the shady side of courtesy, he was told that he had expressed those opinions because he was connected with yachting. If he had ventured to intrude upon the attention of the House simply on that account he should have been guilty of a gross act of presumption; but as for 40 years he had held a Board of Trade certificate which qualified him to take charge of a merchant ship to any part of the world, if he was not entitled to speak in the House on nautical ques-

tions he wished to know who was. The Committee would be surprised to hear that the reproof was administered to him by an ex-First Lord of the Admiralty, the junior Member for the City of London (Mr. Goschen), who all his life up to a few years ago never heard of a ship, and who, as far as one could judge from his public career, had not increased his knowledge during the time he held office. It was somewhat absurd that a right hon. Gentlemen should with official assurance, coupled with official want of knowledge, rebuke old sailors for talking about questions which they understood; but if the right hon. Member for the City of London was prepared to get up in his place and state that he was of all men in the House most qualified to give an opinion upon nautical subjects, and that those who had been acquainted with such questions for upwards of half a century were bound to hold their tongues and listen to him, then he (Mr. Bentinck) would sit down abashed.

MR. GOSCHEN said, he would regret it very much if he had passed the bounds of courtesy in the remarks to which allusion had been made. If he was warm it was not because the hon. Member attacked him, but because, consistently with what he had done on many previous occasions, the hon. Gentleman depreciated the English Navy to a degree which astounded all the officers who had knowledge of the service. Although the hon. Member was acquainted with the Merchant Navy and held a certificate of the Board of Trade, he could not on that account claim to set his opinion above that of the advisers of the Admiralty, who were naval officers and scientific men of the highest distinction. He had never attempted to set up his opinion; but what he had done when he was at the Admiralty was to take the best advice which he could get from those who were qualified to give it. It was because the hon. Member had on many occasions sought to convey to the Committee that he knew more than others of the construction of ships of war and of naval tactics that he (Mr. Goschen) ventured, to express himself, perhaps too warmly, that what most guide them was the opinion of the responsible advisers of the Admiralty; but he regretted if, in pointing out the position of the hon. Member, he had in



any way exceeded the fair bounds of discussion.

MR. HUNT thought that the best way would be to proceed with the Votes in their regular order.

MR. CHILDERS appealed to the First Lord not to take Votes 6 and 10 at that late hour, as they involved the shipbuilding policy of the Government, and it was impossible, at that late hour, properly to discuss the question; and at that time at night it would be practically like sitting with closed doors.

MR. HUNT reminded the right hon Member that the discussion of Vote 10 was put off in April at his instance, and the shipbuilding policy of the Government had been under discussion all night. He had taken the opportunity to state what the policy of the Government was, and he should have thought that it could hardly be wished that the same question should be again discussed in Committee.

MR. GOSCHEN observed, that the discussion of Vote 10 had been put off because the hour was too late to give opportunity for a proper discussion.

MR. E. J. REED hoped that a proper opportunity would be given for discussing the construction of those ships which were now being built.

MR. SAMUDA said, that they surely should have the opportunity to discuss the policy of the Government which had only just been developed; and he must say that he did not approve of the plan for building small *Inflexibles*, because it seemed like a return to the system of building ships of the *Warrior* class with armour only for a central battery. He begged to move that the Chairman do report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Samuda.)*

MR. HUNT thought that as there was time to discuss one Vote they might apply it to the discussion of another; but if the Committee were of a different opinion he would consent to Progress being reported.

Question put, and agreed to.

Committee report Progress; to sit again *To-morrow.*

*Mr. Goschen*

# POLICE EXPENSES BILL—[Bill 157.]

*(Mr. Chancellor of the Exchequer, Mr. Secretary Cross.)*

## SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—*(Mr. Chancellor of the Exchequer.)*

MR. FAWCETT said, that this Bill, the incubation of which had taken six weeks, was only printed last Sunday. What was his surprise to find that it was word for word the same as the Bill of last year. It repealed all previous Acts of Parliament providing for the payment of the police out of the Imperial Exchequer; but he could not understand on what principle these contributions were to be made for the future. It appeared to him that everything was to be left to the Treasury. He wished to ask two questions—Why this Bill consisted only of a single clause, and what provisions were to be substituted for those which were repealed?

THE CHANCELLOR OF THE EXCHEQUER regretted that the hon. Member was not in his place the other day to hear the explanations he gave on the subject. Heretofore, the Treasury had been restricted from paying a larger proportion than one-fourth towards police expenses. In dealing with the subject, it was necessary to consider whether further legislation was not necessary as to the mode in which the police were paid, and the conditions on which the subsidy should be given. Last year the Government found that they were not in a position to deal with the subject, and a suspensory Bill was passed for one year. On the 27th of May, in the present year, he moved for leave to introduce a Bill which he had prepared in concert with his right hon. Friend *(Mr. Cross)*. It would, however, have led to considerable discussion, and they came to the conclusion that, looking to the state of Public Business, there was no prospect of dealing with the matter satisfactorily this year. He would, therefore, ask the House to continue this suspensory legislation for one year longer, with the intention on the part of the Government of dealing with the subject next year. The Government had proposed—and the House had given its assent by the vote of the other day—

that the Treasury should be authorized to contribute an additional fourth towards the pay and clothing of the police.

MR. FAWCETT, after this explanation, would not oppose the second reading, on the undertaking that, next year, the Government would propose a definite scheme.

MR. ASSHETON CROSS said, the Government would endeavour to deal with the question next year.

*Motion agreed to.*

Bill read a second time, and committed for *Monday* next.

LUNATIC ASYLUMS (IRELAND) BILL.  
(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland.*)

[BILL 189.] COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clauses 1 to 7, inclusive, *agreed to.*

Clause 8 (Lunatics in central asylum, whose sentences have expired, may be removed to distant asylums).

CAPTAIN NOLAN moved the omission of the clause, which, he contended, would unjustly tax occupiers in Ireland for the support of lunatics.

MR. O'SULLIVAN said, lunatics were very much on the increase in Ireland. The Americans sent persons home to Ireland as soon as they became insane. England, also, contributed a large increment to lunatics in Ireland. Increased accommodation for lunatics in Ireland was necessary.

Question put, "That the Clause stand part of the Bill."

The Committee *divided*:—Ayes 118; Noes 59: Majority 59.

Committee report Progress; to sit again upon *Monday* next.

MR. RONAYNE moved that the Chairman report Progress.

*Motion agreed to.*

Committee report Progress; to sit again upon *Monday* next.

POST OFFICE (SUPERANNUATION AND GRATUITIES) BILL.

On Motion of Mr. WILLIAM HENRY SMITH, Bill to provide for the payment of Remuneration and the grant of Superannuation Allowances and Gratuities to certain persons employed

under Her Majesty's Postmaster General, ordered to be brought in by Mr. WILLIAM HENRY SMITH and Mr. CHANCELLOR of the EXCHEQUER.

Bill presented, and read the first time. [Bill 245.]

House adjourned at Two o'clock.

## HOUSE OF LORDS,

*Friday, 9th July, 1875.*

MINUTES.]—*Sat First in Parliament*—The Earl Graham, after the death of his father.

PUBLIC BILLS—*Second Reading*—Royal Irish Constabulary \* (182).

Committee—*Report*—Medical Acts Amendment (College of Surgeons) \* (165); Local Government Board's Provisional Orders Confirmation (Aberdare, &c.) \* (123).

## IRISH PEERAGE.

### MOTION FOR A JOINT ADDRESS.

EARL STANHOPE rose to move that an humble Address be presented to Her Majesty praying that She would be pleased to relinquish Her prerogative and power of creating further Peers of Ireland conferred on the Crown by the Act of Union, and that the concurrence of the House of Commons be desired in such Address. The noble Earl said, that last year he sat upon a Committee appointed by their Lordships' House for the purpose of considering the state of the Representative Peerages of Scotland and Ireland and the Laws relating thereto. This Committee was so selected as to form a very fairly representative body, comprising, as it did, Peers of Scotland, Peers of Ireland, and Peers of the United Kingdom, with the last of whom, as disinterested in this question, the decision would practically rest; and after a careful deliberation they presented a Report, containing, among other things, the recommendation embodied in his present Motion. They reported their unanimous opinion that every addition to the Irish Peerage only increased and perpetuated the anomalous condition of that body; and they expressed their hope that Her Majesty might be advised to renounce Her undoubted prerogative of creating Irish Peers, with a view to the modification of the 4th Article of the Union. There were certainly points on which the Committee could not agree, but he saw in this no reason why they should not take



practical action on one of the Committee's recommendations in which they were unanimous. One of the points on which they disagreed was a proposal made by his noble relative the Chairman of the Committee (the Earl of Rosebery), to the effect that in the election of Representative Peers the minority of the elective body should have a fair claim to representation. At one time he was so anxious to promote the representation of minorities that he seconded a proposal of his noble and learned Friend now on the Woolsack to insert a minority clause in the Reform Bill. But the three-cornered clause, as it was sometimes called, in the few instances in which it had been yet applied, had not worked so well as was expected in regard to the election of Members of the House of Commons, and he therefore saw no sufficient reason—at present, at any rate—for applying it to the election of Representative Peers. He thought it would be generally admitted that in this country it was not, as upon the Continent, usual to dissociate high titular rank from some share of political power. It was not here as where the Herr Graf of Vienna, the Monsieur le Duc of Paris, or the Signor Principe of Naples might fill a great social position without any political past combined with it. It was, in his view, important that in this country that association should continue; and, as he believed his opinion to be very generally shared by the public, he could easily understand that Irish Peers must be mortified to find themselves shut out from that share in public life which was enjoyed by Peers of the United Kingdom possessing equal titular rank. The position of Irish Peers as compared with Peers of the Imperial Parliament called to mind, by way of contrast, those fine lines of Virgil which were so aptly applied by Mr. Pitt when he proposed the Irish Union—

"Paribus se legibus ambe  
Invictæ gentes æterna in fœdera mittant."

But could it be said at present that the "paribus legibus" was fully applicable to the Irish Peers? If their Lordships looked into history they would find that before the Act of Union it was customary to confer the Irish Peerage upon men totally unconnected with Ireland, and many of these persons were afterwards raised to the Imperial Peerage.

*Earl Stanhope*

Such had been the case, for instance, with his own grandfather, the first Lord Carrington; such had been the case also with the first Lord Auckland. But about the time of the Union the existing Irish Peers made it very clearly known that they objected to that exercise of the prerogative. On the 10th of March, 1800, Lord Cornwallis, as Lord Lieutenant of Ireland, wrote as followed to the Duke of Portland, Secretary of State:—

"So violent a spirit has arisen among the Lords, and even among those who are the best friends of Government, against the reservation of creating Irish Peers after the Union, that it is the general opinion of His Majesty's principal servants here that the clause cannot be carried. The language among the Peers is that they cannot abandon the interests of their posterity, that the persons hereafter to be created will be men of weight and influence in England, who will always succeed to the vacancies in the representation, and that the families of the ancient Peers will be reduced to a state of insignificance and contempt."

Later in the same month Lord Cornwallis wrote again, using these words—

"I had signified to your Grace the extreme reluctance which a large proportion of the Peers, the most respectable and the most friendly to Government, had disclosed to agree to that part of the Article which permits His Majesty to retain the power of creating Peers of Ireland after the Union. Their repugnance went to the principle generally; there was no modification which they were really disposed to accept."

In the result it was provided by the Treaty of Union that the power of the Crown to create Irish Peers should not be extinguished, but that it should be restricted to the creation of one new Peerage for every three that became extinct, until the number of Peers was reduced to 100, below which it was not to be allowed to fall. Following the history of the question down to the present time he could not but think the position of Irish Peers would be admitted to be anomalous and unsatisfactory—that it tended to produce a feeling of irritation, and to keep up a line of separation between the two Kingdoms: yet all parties for many years had been sincerely anxious that the people of Ireland should be not merely in name or law, but in feeling and sympathy, united to their brethren on this side of the Channel. As to the ill effect in this direction of the present law he could refer to no stronger nor more complete testimony than that of his noble Friend opposite (Lord Carlingford) in the former



discussion of this subject. He had adopted the form of an Address to Her Majesty as being the most respectful course, and as in accordance with the preliminary step taken by Mr. Gladstone with regard to the disestablishment of the Irish Church. He would merely add that he was thoroughly disinterested in this matter, and that he brought it forward from no personal feeling, but solely by a desire to remove a grievance which was felt by his fellow-countrymen. He was convinced that so long as the present state of things existed, it was impossible for Ireland to feel that she was on a footing of equality with England.

*Moved*, That in case the House of Commons concur therein, the following humble Address be presented to Her Majesty:

Most Gracious Sovereign,

We, Your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal,

in Parliament assembled, beg leave humbly to represent to Your Majesty that a Select Committee of the House of Lords appointed in the last session of Parliament to consider the state of the Representative Peerage of Scotland and Ireland and the laws relating thereto, reported to the House of Lords their unanimous opinion as follows: "They are convinced that every addition to the Irish Peerage only increases and perpetuates the anomalous condition of that body; they would therefore trust that Her Majesty may be advised to renounce Her undoubted prerogative of creating Irish Peers, with a view to the modification of the 4th Article of Union."

We, therefore, concurring in the conviction then expressed, humbly pray Your Majesty that Your Majesty will be pleased to consent to a Bill being introduced into Parliament for amending the Act of Union with Ireland by taking away the power therein conferred upon the Crown with respect to the creation of Irish Peers.—(*The Earl Stanhope*.)

LORD INCHQUIN rose to assure their Lordships that there was no truth in the report that the Irish Peers, as a body, opposed this Motion. They were naturally desirous to get rid of the disabilities under which they laboured, and any effort to remove the present anomalous position of affairs must be taken in the direction indicated by the noble Earl (Earl Stanhope), to whom the Irish Peers were indebted for the action he had taken in the matter. He himself brought forward a Motion on the subject last year, but in deference to the general feeling of the House he did not press it to a division. Since then, however, a Select Committee had reported to the same effect, and he hoped that in

view of this fact the Government would now declare their willingness to take up the question. There could be only two objections to this proposal—namely, reluctance on the part of Her Majesty to part with any portion of her Prerogative, or disinclination of Her Majesty's Ministers to resign any power of patronage which they possessed. He was certain, however, that Her Majesty would at once accede to the expressed wish of Parliament on the subject—so that there was no insuperable difficulty in that direction; and if the only obstacle was an indisposition on the part of Ministers to give up their patronage, he would only say that in his opinion the time had come when such patronage ought no longer to exist. If the Government opposed the Motion, he hoped they would at least give their reasons for doing so. Hitherto the Irish Peers had received no intimation on the subject, and he was somewhat surprised that morning at receiving a request to come down to oppose the Motion of the noble Earl, seeing that he had brought for a similar Motion himself last year. He hoped the noble Earl would succeed with his Motion.

THE LORD CHANCELLOR: My noble Friend the proposer of the Motion has, with that ability and oratorical power that always distinguishes him, pointed out to your Lordships the disadvantages under which, in his opinion, the members of the Irish Peerage now labour, and the manner in which, in his opinion, those disadvantages might be removed. If that appeared to me to be the only question before us, I should gladly have waited to hear what might fall from others of your Lordships on the subject, and not have intervened at the present stage of the discussion. But I am anxious thus early to point out to your Lordships, and to submit also to my noble Friend what appears to me to be a difficulty—and more than a difficulty—in the course which he has adopted. Considering the deep constitutional learning of my noble Friend, I think I shall not have much difficulty in satisfying him that the Motion he has proposed is one which, in the first place, it would not be in your Lordships' power to assent to, and, in the second place, which it would not be in the power of the Crown to comply with. I cannot but think some misapprehension exists with regard to the Report of the Select

Committee on this subject. Under the seventh head of their Report it is stated—

"As regards the Irish Peerage, they would offer the following suggestions:—They are convinced that every addition to the Irish Peerage only increases and perpetuates the anomalous condition of that body. They would therefore trust that Her Majesty may be advised to renounce her undoubted Prerogative of creating Irish Peers with a view to the modification of the Fourth Article or the Union."

This recommendation was embodied in a draft Report which was laid before the Committee, and although on other portions of the Report there were many discussions and some collisions of opinion, on this point there was no division and little, if any, debate. I cannot but think that if there had been a little more consideration, it might have appeared to the Committee that the words of that recommendation were such as could hardly be held to be appropriate to the case with which they had to deal. My noble Friend (Lord Inchiquin) who seconded the noble Earl who brought this subject before the House spoke again to-night in express terms of Her Majesty's relinquishing "her undoubted Prerogative," and the working of the Resolution which your Lordships are asked to adopt conveys a prayer to the Sovereign that she shall be pleased to relinquish her Prerogative and power of creating Irish Peers. Now, I am anxious to ask your Lordships to consider at the outset this question—is the mode by which Irish Peers are created in any sense or form an exercise of the Prerogative of the Crown? The importance of this question you will readily understand. It is not many years since a very warm discussion arose in this House—a discussion of which I am not at all anxious to revive the recollection on the present occasion. A course was taken by the late Government with regard to the Army, on which there was considerable debate as to whether the case involved the exercise of a Prerogative or of a statutory power given to the Crown. I reminded your Lordships at the time of how important is the distinction between the two. What is the Prerogative of the Crown? It is always dangerous to embark in definitions; but, for all practical purposes, I think the Prerogative of the Crown may be said to be that original inherent jurisdiction which resides in the Crown, and which

continues to reside in the Crown, except so far as it is taken away or modified by any positive legislation, and except so far as the exercise of the Prerogative is tempered or controlled by the responsibility which exists under a constitutional form of government. Now let me remind your Lordships of the history of different parts of this country with respect to the creation of Peers. At present—as, of course, no person will dispute—the creation of Peers is a branch and one of the most conspicuous, of the Royal Prerogative. There can, I suppose, be no question that when Scotland was an independent kingdom the creation of Peers there was a branch of that Prerogative; and the same observation applies to the case of Ireland. That being so, let me point out to your Lordships what occurred on the occasion of the Union of Scotland and England. There was then a Scotch Peerage in existence which had been created from time to time by the exercise of the Royal Prerogative. By one of the Articles of the Act of Union, as the House is aware, 16 Peers were declared to be the number who, as Representatives of the whole body, should sit and vote in the House of Lords. Then the 23rd Article of the Union provides that—

"All Peers of Scotland, and their successors to their honours and dignities, shall, from and after the Union, be Peers of Great Britain, and have rank and precedence next and immediately after the Peers of the like orders and degrees in England at the time of the Union, and before all Peers of Great Britain, of the like orders and degrees, who may be created after the Union, and shall be tried as Peers of Great Britain, and shall enjoy all privileges of Peers as fully as the Peers of England do now, or as they or any other Peers of Great Britain may hereinafter enjoy the same, except the right and privilege of sitting in the House of Lords, and the privileges depending thereon."

What was actually done, therefore, at the time of the Union with Scotland was this—The Scotch Peerage was taken as it stood. All those who were Peers of Scotland were declared for the future to be Peers of Great Britain and to have the rights of Peers of Great Britain—with the one important exception of the right of sitting in the House of Lords; and as to that right it was only to be exercised by the 16 Peers who should be chosen as Representative Peers. Your Lordships will look in vain in any part of the Act of Union for any express prohibition against

the Crown creating any fresh Peers of Scotland: but we, at the same time, perfectly well know that no such thing has been heard of as a Peer of Scotland having been created, or promotion in that Peerage having taken place since the Act of Union. What is the reason of that? It is not by virtue of any Act of Parliament, but for a very different reason. It is to be discovered in the fact that the authority by which a Peer of Scotland was created was a Prerogative right; but that Prerogative right was the right of a Sovereign of an independent Kingdom to create Peers of that Kingdom, and therefore, of necessity, when Scotland ceased to be a separate kingdom, the Prerogative which existed for a separate kingdom of itself came to an end, and required no enactment to put an end to it. It perished with the Union of Scotland with this country. Let us, in the next place, turn to Ireland and see what was done on the occasion of the Union with that country. It was first provided that persons holding temporal Peerages of Ireland existing at the time of the Union—

“Shall from and after the Union have Rank and Precedency next and immediately after all the Persons holding Peerages of the like Orders and Degrees in Great Britain subsisting at the time of the Union, and that all Peerages of Ireland created after the Union shall have Rank and Precedency with the Peerages of the United Kingdom so created according to the Dates of their Creations; and that all Peerages, both of Great Britain and Ireland, now subsisting or hereafter to be created shall in all other respects from the Date of the Union be considered as Peerages of the United Kingdom; and that the Peers of Ireland shall, as Peers of the United Kingdom, be sued and tried as Peers, except as aforesaid, and shall enjoy all Privileges of Peers as fully as the Peers of Great Britain; the Right and Privilege of sitting in the House of Lords and the Privileges depending thereon, and the Right of sitting on the Trial of Peers only excepted.”—[39 & 40 Geo. III. c. 67.]

In that case, up to a certain point, the precedent of Scotland was followed. The Act of Union takes those who at the time were Peers of Ireland and declares that from that time forward they shall be considered as Peers of Great Britain in all respects but that of sitting in the House of Lords; but it extends that right to those also who should afterwards be created under a power to which I shall by-and-by have to refer. If the Act of Union with Ireland stopped there, the consequences would be just the same as occurred in the case of Scotland. There

would have been an end of the power of creating Irish Peers, and it would have required no statutory power to bring it to a termination. But what the Act of Union did beyond that was this—it did not preserve any Prerogative right, because it could not, for that on which the Prerogative was founded—a separate Kingdom—was gone—what it did was to create a new and special statutory power to be exercised for declared statutory objects. That statutory power was as follows:—

“That it shall be lawful for His Majesty, His Heirs and Successors, to create Peers of that part of the United Kingdom called Ireland, and to make Promotions in the Peerage thereof, after the Union; provided that no new Creation of any such Peers shall take place after the Union until three of the Peerages of Ireland which shall have been existing at the time of the Union shall have become extinct; and upon such Extinction of three Peerages that it shall be lawful for His Majesty, His Heirs and Successors, to create one Peer of that Part of the United Kingdom called Ireland, and in like manner so often as three Peerages of that part of the United Kingdom called Ireland shall become extinct, it shall be lawful for His Majesty, His Heirs and Successors, to create one other Peer of the said Part of the United Kingdom; and if it shall happen that the Peers of that part of the United Kingdom called Ireland shall by Extinction of Peerages or otherwise be reduced to the Number of 100, exclusive of all such Peers of that part of the United Kingdom called Ireland, as shall hold any Peerage of Great Britain subsisting at the time of the Union, or of the United Kingdom created since the Union, by which such Peers shall be entitled to an Hereditary Seat in the House of Lords of the United Kingdom, then, and in that case, it shall and may be lawful for His Majesty, His Heirs and Successors, to create one Peer of that part of the United Kingdom called Ireland as often as any one of such one hundred Peerages shall fail by extinction, or as often as any one Peer of that part of the United Kingdom called Ireland shall become entitled, by Descent or Creation, to an hereditary seat in the House of Lords of the United Kingdom.”—[39 & 40 Geo. III. c. 67.]

Then comes a general Proviso at the end—

“It being the true intent and meaning of this Article, that at all times after the Union it shall and may be lawful for His Majesty, His Heirs and Successors, to keep up the Peerage of that part of the United Kingdom called Ireland to the number of one hundred, over and above the Number of such of the said Peers as shall be entitled by Descent or Creation to an hereditary seat in the House of Lords of the United Kingdom.”—[39 & 40 Geo. III. c. 67.]

The reading of this Article will have satisfied your Lordships that what was done was this:—The Act of Union did not regard the Prerogative of the Crown



as continuing to exist, because in point of fact it would be as absurd to create by virtue of the Prerogative a Peer of Ireland as a Peer of Yorkshire or of Wales. The Prerogative, as I said before, ended with the termination of a separate kingdom; but there was given by the Act a statutory power for statutory objects to create Peers who would fill up vacancies in the Peerage of Ireland, for the purpose of keeping up a constituent body to elect those Peers who were to be their Representatives in Parliament. It was, of course, quite open to Parliament at the time to have adopted a different course. They might have said the power of creating Peerages for the future shall come to an end; we shall provide a means by which there shall be Representative Peers. That was the proposition which found favour at that very time with some persons of very considerable distinction. I hold in my hand an extract from a Protest signed in the Irish Parliament by the Duke of Leinster and 19 other Peers of Ireland in the year 1800, against the arrangement in the Articles of Union which I have read. The Protest says—

“That by the provision in the Bill for a constant creation of Peers for Ireland the Irish Peerage is to be kept up for ever, thereby perpetuating the degrading distinction by which the Irish Peerage is to continue stripped of all Parliamentary functions. That the perpetuity of such distinction would have been avoided by providing that no Irish Peer should hereafter be created (which is the case of Scotch Peers), and that whenever the Irish Peers shall be reduced to the number of 28 they should be declared Peers of the United Empire, agreeably with the British, from which time all national distinctions between them should cease.”

That, as I understand, is the proposition which finds favour in the eyes of my noble Friend; and it was prominently brought before those who had to deal with the arrangements made at the time of the Union. I find that, when Mr. Pitt brought before the House of Commons the King's Message on the Articles of Union, he made some observations on the Articles of Union with reference to the election of Irish Peers. He said—

“The next point is, the power reserved for His Majesty to create new Peers. The objection is, that they may be too large for the constituent body, and occasion a great deal of inconvenience to that which is elective. To this I answer, that they can never exceed a given number, and that it is necessary to give this power to the Crown; for that the titles in Ireland are under very different circumstances

from those of Scotland. In Scotland, the titles of nobility are much more ancient, under very different limitations, and must, from that very difference of limitation, continue much longer than those of Ireland; in the one, the titles are to descend to collateral branches, in the other, the patents are more limited, are confined to immediate male descendants, and consequently must much sooner expire. In the one, the probability of extinction is very small in the course of a vast period of time; in the other, it would certainly happen in a short time, if the power of adding to or making up the number, were not given to the Crown.”—[*Parl. Hist.* xxxv. 50, 51.]

I do not desire to give any opinion as to the policy of what was done at the time of the Union; but your Lordships may gather from that extract from the speech of Mr. Pitt that a prominent subject placed before Parliament was the policy of keeping up the body. I desire also to put before your Lordships some further considerations in regard to the manner in which it became necessary at the time of the Union to deal with the Irish Peerage. You will find it very interesting to compare the way in which the Crown acts in the creation of an Irish Peerage and the way in which it acts in the creation of an English Peerage. I shall not weary your Lordships by reading the whole of the patents, but I may take the liberty of reading the introductory words of the ordinary patent of an English Peerage. They are these—

“Victoria, by the grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to all Archbishops, Dukes, Marquises, Earls, Viscounts, Bishops, Barons, Knights, Provests, Freemen, and all other our officers, ministers, and subjects whatsoever to whom these presents shall come, greeting. Know ye that We, of our especial grace, certain knowledge, and mere motion, have advanced, preferred, and created our right trusty and well-beloved Councillor, A.B., to the state, degree, dignity, and honour of, &c.”

That is the form of the creation of an English Peerage by virtue of the Prerogative. Now, how is an Irish Peerage created? I find from the book in your Lordships' Library that in the case of the creation of Lord Fermoy's Peerage, which was the subject of discussion, that the patent commences by reciting the Act of Union and the power given by that Act under the section which I have quoted to your Lordships, beginning with the words—“It shall be lawful for His Majesty,” and then, after referring to the Peerages having become extinct, which gave rise to the appointment of a new Peer, it goes on to say—

*The Lord Chancellor*

"Whereas the said Peerages respectively have become extinct, now know ye therefore that We, of our special grace, certain knowledge, and mere motion. . . . in pursuance of the before-mentioned Act, whereby it was made lawful for Us, our heirs and successors, to make such promotions in the Peerage of that part of the said United Kingdom called Ireland, have advanced, preferred, and promoted, and by these presents, for Us, our heirs, and successors, We do advance, prefer, and promote," &c.

Your Lordships will observe the distinction between the two cases. In the one case you have the exercise by the Crown of a clear and distinct Prerogative; and in the other you have the mere execution of a statutory power devolved on the Crown in certain particular instances. It might be interesting that I should quote to your Lordships an extract from another document on the same subject. The opinions of Her Majesty's Judges were requested by your Lordships on the question of the regularity of Lord Fermoy's appointment, and they were printed, and are now, in your Lordships' Library. They are of considerable length; but I will read a few sentences from the opinion of Sir John Coleridge in regard to the position of the Crown under the Act of Union. Sir John Coleridge said—

"The effect of the First Article of the Act of Union was necessarily to determine the ancient Prerogative of the Crown as to the creation or promotion of Peers for Ireland, and had the Third Article been left to stand alone it might have been reasonably contended that the then existing Irish Peerage would have been thereby united to that of Great Britain, and that all the then existing Irish Peers would have become Lords of the Parliament of the United Kingdom. Both these consequences were to be provided against or modified. The regulations as to the Prerogative I shall consider presently; those as to the Peerage itself were very important. The Irish Peers, as such, were no longer to be Lords of Parliament; they were to be at liberty even to forego the rights and privileges of Peerage, and become for a time substantially Commoners, sitting as Commoners in the Lower House, with all the liabilities and qualifications of Commoners—a thing entirely inconsistent with the general law of Peerage. Such of them as did not elect that course were to form a constituent body, out of and by which 28 Lords of Parliament were to be elected for life to represent the Lords Temporal of Ireland in the Parliament of the United Kingdom; and the normal number [it would, perhaps, be more accurate to say the minimum number] of that constituent body, to be arrived at surely and gradually, was to be 100. So much being promised, I proceed to consider that part of the Fourth Article which gives the power of creating such Peers as I have been describing, and

making promotions in the Irish Peerage thus constituted."

He continues—

"The section concludes with an express statement of the true intent and meaning of the whole Article as to this matter of the Peerage. 'It being the true intent and meaning of this Article that at all times after the Union it shall and may be lawful for His Majesty to keep up the Peerage of Ireland to the number of 100, over and above the number of such of the said Peers as shall be entitled by descent or creation to an hereditary seat in the House of Lords of the United Kingdom.' These words intimate, I apprehend, in the decorous language suitable in regard to the Crown, not only the power but the duty of the Sovereign to keep up the Irish Peerage to the full number of 100, when it shall have been reduced to that number, as the preceding specific provisions had virtually restrained the Sovereign from creating Peers so as to exceed it. And this is precisely what might have been expected, when such a constituent body was to be formed, out of which a definite number of Lords of Parliament were to be elected. It was fitting that there should be such a numerical proportion between the electors and elected as to make the election free and respectable, out of the reach of all external influences, and also that the proportion should be fixed and always maintained; that the numbers might not for any indirect purposes be allowed to diminish or be subject to sudden additions, so that the people of Ireland should have guaranteed to them at all times a proportion of the House of Peers elected from a known, certain, and sufficient body of their own peculiar Peerage."

Again, I say, it is not for me to detain your Lordships with any comments as to whether this was a wise or an unwise policy. I cannot show more clearly than is done by the words of Sir John Coleridge, that the purpose of the provisions of the Act of Union was to keep up a constituent body of a certain character and of a certain size, and that with that object there was not only a right conferred, but also a duty imposed on the Crown. Now, if that is so, I ask your Lordships to consider what is the consequence. We have got here a statutory trust created and reposed in the Crown for a particular object which Parliament has deemed it desirable to maintain. My noble Friend who moved and my noble Friend who seconded this Motion propose that Parliament should address Her Majesty, asking Her Majesty—to do what? To relinquish a Prerogative of creating further Peers of Ireland conferred by the Act of Union. But in so far as the existence of a Prerogative is concerned, I think I have satisfied your Lordships that there is an



entire misapprehension on the point, and that in this case there is no Prerogative whatever. A power of creating Peers was given by the Act of Union, but it was a statutory power, not to be exercised at the caprice of the Crown—not to be exercised as the Crown might desire or might not desire. It was a statutory power created for the purpose of keeping up a constituent body who were to elect the Irish Representative Peers. That being the case, how can it be suggested that the Houses of Parliament should ask the Crown to suspend the operation of that power? But that is what my noble Friend asks. My noble Friend proposes that the two Houses of Parliament should join in asking the Crown to relinquish a power which is in reality a duty created by Act of Parliament. Can such a proposition be gravely entertained? I have that confidence in the constitutional wisdom of my noble Friend that when the case is put before him clearly, as I have endeavoured to do, he will himself be the first to say that, whatever his opinion may be as to the position of the Irish Peerage, or as to the changes which ought to be made in it, it is quite impossible that those changes can be brought about through the medium of an Address, asking the Crown to do that which it would not be in the power of the Crown to do. My noble Friend may say—"Can nothing be done?" Of course, that which has been done by legislation can be changed by legislation. A power which has been created by Act of Parliament can be altered by Act of Parliament. It may be—although I am not expressing any opinion on the point—that the assent of the Crown might have to be signified in some special manner to any Bill on the subject which might be introduced. But it must be in reference to a Bill that the assent of the Crown is solicited; and the question raised has not reference to an Act of Parliament, but to an Act of the Crown. My noble Friend referred to the course which was taken in 1868 with regard to the Irish Church. In that case, however, there was this distinction—that the interest which had to be dealt with, and which created the difficulty, was in the nature of a personal interest of the Crown in the temporalities of the Irish Church. On that occasion the Address distinctly asked the Crown to place that interest at the disposal of Parlia-

ment, for the purposes of legislation in the current Session, and the Answer framed in accordance with the terms of the Address, expressed a desire that the interests of the Crown should not stand in the way of legislation. But that was a definite Address made to the Crown for the purpose of carrying out a definite proposition—an entirely different thing from that we are now asked to sanction. There is, therefore, no analogy between that case and the present. As I have said, I will not enter upon the general question of the expediency of making changes in the position of the Irish Peerage. That is a matter on which a good deal may be said; but it appears to me that this is not the time for that discussion. I submit to your Lordships that the Motion of my noble Friend is one which cannot be entertained, and that, if it were assented to, it certainly could not be acted upon by the Crown.

EARL GRANVILLE presumed that it was not the desire of the noble and learned Lord to stop all further discussion on this important subject. He would not repeat the arguments of the noble Earl who had introduced the Motion; possibly there were answers to all these; but if there were, they had not been produced in the speech of the noble and learned Lord. In regard to the feeling of the Irish Peers, the noble Earl (Earl Stanhope) had quoted the despatches of the Viceroy of that time, showing his dislike and that of the whole Irish Peerage to the clause as proposed—so much so that Lord Cornwallis thought it would be impossible to pass the clause. But a majority of the Peers of that time were induced to pass it. On the other hand, the noble and learned Lord on the Woolsack had quoted the indignant protest of the minority. Well, he (Earl Granville) believed that the majority of the Peers at the present moment were of the same opinion as that minority. Among the Members of the Committee of last year, which had conducted an inquiry with reference to the Scotch and Irish Peerages, and which had been presided over with remarkable ability by the noble Earl behind him (the Earl of Rosebery), there was a great difference of opinion upon many points; but in the recommendation to which attention had been called on the present occasion, there had



been perfect unanimity. The noble and learned Lord on the Woolsack had given the House a very learned argument as to the form of the Motion which had been proposed, but had given no opinion whatever as to the policy of the existing law. Now, what was wanted—and what he was quite sure his noble Friend the President of the Council, with that courtesy which he always showed to the House, would accord to them—was an intimation of the opinion of the Government as to the policy apart from the form of the Motion. If they disagreed with the noble Earl, and if it was their intention to maintain the law as it stood, let the House know it, and let them discuss it. If, on the other hand, they concurred with him as to the policy, there would be no great difficulty in coming to an agreement as to the best manner of bringing about a change.

EARL GREY said, that the elaborate speech of the noble and learned Lord on the Woolsack, instead of showing any grounds for rejecting the Motion, had added to the strength of the case in its favour. No doubt the noble and learned Lord was quite right in all he had said as to the distinction between Prerogative and statutory power; but this was only an additional reason for adopting the Motion, since even if there were a difficulty in dealing with the former there could be none in dealing with the latter. When the noble and learned Lord showed that the Motion dealt not with a Prerogative but with a statutory power, he clearly showed also that a power granted by statute might be altered by statute; and he (Earl Grey) had understood, as a matter of course, that the Address was intended as a preliminary to legislation. Of course the statutory power could only be altered by legislation; but he had always understood that no power of the Crown, whether derived from Prerogative or from statute, could be properly dealt with by Parliament without the assent of the Crown to its being so dealt with having been first signified through its responsible Ministers. That, he believed, was a well-known rule of Parliament. Therefore, if it was desired in the present case to restrict the power of the Crown, the first step was to ask Her Majesty to consent to some limitation being placed upon that power, and that was all that the Address of the noble Earl proposed to do. A mere verbal

alteration in the terms of the Address proposed would at once meet the objections to it that had been raised by the noble and learned Lord on the Woolsack. Last year the Motion of the noble Lord (Lord Inchiquin) was for an Address—

“praying Her Majesty to consent to a Bill being introduced limiting the Prerogative of the Crown in so far as it relates to the creation of Irish Peerages, as provided by the Act of Union”—

if, therefore, the present Address were modified so that it should pray Her Majesty to consent to the introduction into Parliament of a Bill for amending the Act of Union so far as it regarded the creation of Irish Peers there could be no possible objection to it. This question had been shuffled aside last year in a way that surpassed his comprehension, but which clearly indicated a general indisposition to consent to the change; while, at the same time, it was not possible to find any plausible reason for objecting to it. It seemed as though the same was the case at the present moment. What was the reason of the studious care with which the Government had abstained from arguing this subject on its merits, while they had treated the House to a long and elaborate exposition of the technical law relating to it, and why had they not adopted the legitimate course of moving an Amendment to the Address proposed by the noble Earl, instead of simply advising the noble Earl to withdraw it? He trusted that this Motion would not be met in such an indirect manner, but that if Her Majesty's Government intended to contest it, they would state the grounds openly and fairly upon which they proposed to retain for the Crown a power which was almost universally condemned. If Her Majesty's Ministers shrank from maintaining this anomalous power in the hands of the Crown, he asked them at once to concur in the proposal he had made of amending the Address moved by the noble Earl, so that it would be freed from all technical objection.

THE MARQUESS OF SALISBURY: My Lords, precisely what we wish in this matter is that the course which the House and the noble Earl desire to take should be frankly and openly stated. The noble Earl who has just sat down (Earl Grey) has, without having given Notice of his intention to do so, suggested a modification

in the terms of the Address which would perhaps, meet the objection of the noble and learned Lord on the Woolsack; and I am prepared to admit that if we look upon this Address as pledging us no further than the noble Earl has indicated, there is nothing in the nature of this statutory power which should incline the Crown to value it so much as to induce it to interpose its veto upon any legislation upon this question that might be proposed. But it is not merely for the purpose of procuring the consent of the Crown to Parliament dealing with this statutory power that this modified Address is proposed—it is clearly proposed with a view to some ulterior steps being taken by way of legislation. [Earl GREY: "Hear, hear."] Well, but before we commit ourselves to your policy on this question we should like to know what that policy will be. The legislation you suggest will not only lead to the repeal of what you call this anomalous statutory power, but it will involve your going much beyond what you now indicate as your object; because we are told that there is a great grievance under which the Members of the Irish Peerage are suffering, and if you merely stop the supply of fresh Irish Peers, at what date do you imagine that the relief you desire to afford will reach the sufferers? At the time of the Union the number of Scotch Peers was 132, and it is now 34; while the number of the Irish Peers at present is 105; so that speaking roughly my impression is that, assuming that the Irish Peerages will disappear at the same rate as those of Scotland have done since the Union, in the event of the legislation foreshadowed by the noble Earl's Address taking place, you would reduce the number of Irish Peerages to the number of 28 in about a century and a-half from the present date. Is it, therefore, really worth while for us to legislate for a date so distant as that? Do you imagine that our peculiar arrangements are so stable and so certain in their nature that it is worth while infusing into our debates on this question that fire and earnestness that have been exhibited by the noble Earl who has just sat down in order to bring about a redress of a grievance which will reach the sufferers a century and a-half from this time? If you wish, therefore, that your proposal should have any substantial result you must supplement it by further

legislation in the same direction; and the only possible step by which you can follow it up is by at once bringing all the Irish Peers into this House. When you have introduced these 105 Irish Peers into the House you will be compelled to admit the 34 Scotch Peers also; and deducting from the total the number of Scotch and Irish Nobleman who now have seats here as Representative Peers, you will thus bring in about 100 additional members of the Scotch and Irish Peerages. But what will be the result of such a step? You will, of course, have to proceed by legislation, and you will have to ask the House of Commons to indicate to the Sovereign, by Act of Parliament, what are to be the next 100 creations of Peers of this House which the Crown is to make. Is it not possible that the House of Commons may say, "No doubt, these 100 gentlemen are exceedingly estimable and worthy members of society, but we are not sure that they are the only persons that ought to be admitted to the House of Lords, and if we are to invoke new powers of legislation, we should like to know whether it is not possible to reconstitute the House of Lords upon other points as well as upon this one." The objection may also be raised that when the Union was entered into the principle was adopted that some kind of balance was necessary in the supply of legislative power as between England, Scotland, and Ireland—and can that balance be safely disturbed? Can you make this great addition to the legislative power of Scotland and Ireland in this House without at the same time increasing the number of English Peers? If you admit these 100 Scotch and Irish Peers you will have to admit a due proportion of new English Peers—I should say to the number of about 200. Are your Lordships prepared to send down to the House of Commons a Bill for increasing the House of Lords by 300 new Members? And let me remind your Lordships that such a question, if raised, would have to be discussed elsewhere, where the atmosphere is, perhaps, not so cool and free from all prejudice in the matter as it is here. But that is not the most serious part of the matter. What is the statute which we are to modify? The statute of 1800 determines the proportion in which Ireland and Great Britain should take their share of legislative power. At the time it was

passed there were persons who claimed that Ireland should have had a larger share in the Legislature; but their opinions were overruled, and the respective proportions of the legislative power of the three countries were fixed as they now stand. But it is now proposed that we should rip open this question, and that we should take to pieces the agreement that was come to between Ireland and Great Britain and re-construct it, and that we should say that the share of legislative power, as far as the House of Lords is concerned, given to Ireland in 1800 is anomalous and unjust, or at least objectionable. I ask you whether you think that this question will be considered alone. If you want to revise the agreement that was entered into between the two countries in this respect, do you think that no one will wish to revise it on other points also? Do you think that no one will say that the share that Ireland has in the House of Commons as well as in the House of Lords is not that to which she is entitled? Let me tell your Lordships, therefore, that by assenting to this proposal you would be opening a very large and formidable question indeed. Under these circumstances, let us boldly say that we decline to pledge ourselves to any piecemeal or isolated legislation in this direction, or to bring forward unnecessarily into the arena of discussion a matter upon which it may well be thought the dearest interests of the country depend.

THE EARL OF ROSEBURY said, he thought the course the debate had taken justified him in the reply he had given a few days since to his noble Relative (Earl Stanhope), to the effect that any step to be taken in this matter ought to be proposed by the Government of the day; and he thought, also, the Motion itself was congratulatory to himself, and fully justified by the result of the Select Committee. It had been hoped that the subject would be taken up by the Government, and he regretted that Her Majesty's Ministers had never since last year, when the subject was before their Lordships' House, broken the Sphinx-like silence which prevailed as to what their policy was—if, indeed, they had any policy in reference to this question. The noble and learned Lord on the Woolsack had treated them to a dissertation on Constitutional Law, and had read the Committee a severe lecture upon the use

of the word "prerogative;" but what did the next highest authority in the House say last year upon the discussion of a Motion similar in substance, though not in form, to the present? The noble Duke the President of the Council said—

"The noble Lord must not forget that he was virtually asking Her Majesty to put a material limitation on Her prerogative, and to disturb a distinct arrangement come to at the Union of the two countries."

But the noble Duke did not stop there, for he said that he did not think a case had been made out on which the Crown should be asked to waive its present prerogative; and that if the Motion were agreed to, and a Bill were introduced to limit the prerogative of the Crown in the manner proposed, and an absorption of Peers was to follow, the change ought to be proposed on the responsibility of the Government of the day, and not on that of a private individual. Well, no step was taken on the subject by Her Majesty's Government; and the other day, when a noble Relative of his, in the hope of eliciting some expression of opinion on the subject, called attention to it, no voice from the Ministerial bench was heard. It was urged that it was the duty of the Government to come down to the House and propose a remedy—but no voice was heard in response. And, now, three times the word "prerogative" was used by the noble Duke; and how, he asked, was it possible for the unhappy sheep of the flock to look for guidance to such a shepherd? The noble and learned Lord on the Woolsack summed up his speech by telling their Lordships that it was not a matter of Prerogative, but a matter of necessity and duty on the part of the Crown to create those Peerages. If that were so, and that their creation was admitted to be an evil, how could the Government come down and say that they were not prepared to remove the necessity and the duty, and thus to remedy the evil? The noble Marquess opposite (the Marquess of Salisbury), whose utterances did not usually fail on the side of distinctness, had addressed their Lordships without giving them any intimation as to the policy of the Government. Seeing that since the Act of Union the Irish Peerage had continuously dropped off, he hoped the discussion would not close without their Lordships having some



information as to the mind of the Government in reference to the Motion.

THE EARL OF FEVERSHAM said, he had not heard a single argument in favour of the proposed Address to the Crown. The Irish Peers were very highly respected in their Lordships' House, and so likewise were the Peers of Scotland; and in the House of Commons the Irish Representatives were a strong and influential party. He might refer to the late Lord Palmerston, who sat as an Irish Peer in the House of Commons, and who conferred great lustre upon that Assembly. He was opposed to any restriction of the Prerogative of the Crown. It had been said that the condition of the Irish Peerage was anomalous; but no anomaly had been proved. The number of Irish Peerages created within the last 20 years had not been stated, and it had not been shown that any grievance whatever existed on the subject. The privileges and power of the other House of Parliament were becoming every day greater, and the present was not a time to restrict a Prerogative of the Crown which had been in existence so long, and which had not proved to be disadvantageous to any part of the United Kingdom.

VISCOUNT POWERSCOURT pointed out that at least two grievances existed. The first was that of an Irish representative Peer who had a sonsitting, perhaps, in the other House of Parliament. The second grievance was that of Irish Peers who, not being able to sit in the House of Lords because they were not Peers of Parliament, were not allowed in the House of Commons to represent Irish constituencies among whom they might find seats, but were compelled to seek seats in England, where the task was much more difficult.

LORD DUNSANY said, the noble Marquess (the Marquess of Salisbury) was in error in supposing that the Peers primarily interested were not prepared to accept anything short of a Bill dealing comprehensively with the whole subject. They were prepared to accept the proposal of the noble Earl, in the belief that it would check an existing evil.

LORD CARLINGFORD denied the assumption of the noble Marquess opposite that the Committee recommended in substance a stoppage in the creation of Irish Peers until the number had fallen

to 100, who should be forthwith created Peers of the United Kingdom. The Committee were possessed with no such wild idea. Their sole desire was that the anomaly of inferior Peerages attached to one part of the Empire should be put an end to. They recognized the fact that the anomaly could not be at once terminated, but they desired that it might not be maintained and perpetuated.

THE EARL OF MALMESBURY, speaking as a Member of the Committee, said, they did not at the time when they drew the paragraph in the Report to which reference had been made, consider the difference between a prerogative and a statutory power. The noble Earl (Earl Stanhope) had brought forward his Motion at a most inopportune time; and, further, he had only attempted to deal with one of a numerous body of recommendations covering a very wide field. For his own part, he thought the noble Marquess had not at all exaggerated the importance and width of this question; but, at all events, if it was necessary to consider it, it should have been introduced at an earlier period of the Session.

EARL STANHOPE said, he must confess his great disappointment at the way in which his proposal had been met by Her Majesty's Government. He thought it would be unfair to the body of Irish Peers, who were almost unanimous in favour of his Motion, if the proposal was to be rejected on account of the fact that as it was drawn it asked Her Majesty to part with her "Prerogative," whilst the word should more correctly have been "power." Whether the one or the other it did not in the least affect the argument against the unsatisfactory working of the present system. But to meet the objection he would gladly avail himself of the suggestion offered by the noble Earl on the cross-benches (Earl Grey), and so amend his proposed Address as that it should ask Her Majesty's assent to the introduction of a Bill for amending the Act of Union with Ireland by taking away the power therein conferred upon the Crown with respect to the creation of Irish Peers.

THE DUKE OF RICHMOND: I have been so pointedly alluded to by the noble Lord and noble Earl opposite that I desire to say a few words on this sub-

ject. It will not be necessary for me to touch upon the Motion of my noble Friend in its original form, because the fact of his having substituted for it the amended Motion he has just laid before the House is an admission on his part that he cannot justify his first proposal. The noble Earl who presided over the Committee (the Earl of Rosebery) took Her Majesty's Ministers to task, and said none of them had condescended to address the House on this occasion.

THE EARL OF ROSEBERY: I beg pardon. What I said was that two Members of the Government had condescended to do so.

THE DUKE OF RICHMOND: Well, I think that is a more offensive way of putting it. Any one reading the noble Earl's speech would suppose that it was not the practice of the Government to come forward and state fully and fairly their views on the subject-matter of debates in this House, and I venture to say that such a comment on their conduct is not deserved. I may have been wrong in my use of the word "prerogative" as the noble Earl points out, but the word was used casually, and if I had been drawing up a Motion to deal with this subject the authorities I would have consulted would no doubt have set me right. As to the subject of the discussion itself, I think, if I may judge from the tone of the House, the majority of your Lordships are of opinion that some Motion should be passed in the direction indicated by the noble Earl behind me (Earl Stanhope). I cannot accept the words which, even in his amended proposal, the noble Earl has suggested; but I do not desire to oppose a Motion which, getting rid of any technical difficulty in the way of considering this question, will not, at this stage, commit the House to any expression of opinion upon it. I would suggest to the noble Earl to move—

"That an humble Address be presented to Her Majesty praying that the power conferred on Her Majesty under the Act for the creation of Irish Peers may not stand in the way of any consideration by Parliament of any measure relating thereto which may be introduced in the present Session."

EARL GRANVILLE characterized the act of the noble Duke as a graceful acquiescence in the policy recommended by the noble Earl (Earl Stanhope) and generally approved by the whole House.

After short conversation, on the Motion of Earl STANHOPE, it was agreed that the words "in the present Session" should be omitted from the proposed Amendment.

Then the said Motion (by leave of the House) *withdrawn*.

Then it was *moved*, That an humble Address be presented to Her Majesty, praying Her Majesty that the power conferred on Her Majesty under the Act of Union for the creation of Irish Peers may not stand in the way of the consideration by Parliament of any measure relating thereto that may be introduced.—(*The Earl Stanhope.*)

House adjourned at half past Seven o'clock, to Monday next, a quarter past Two o'clock.

## HOUSE OF COMMONS,

Friday, 9th July, 1875.

MINUTES.]—SUPPLY—considered in Committee—CIVIL SERVICE ESTIMATES—CLASS III.

PUBLIC BILLS—Ordered—First Reading—Chelsea Bridge \* [249].

First Reading—Canada Copyright \* [246]; Salmon Fishery Act Provisional Order (Taw and Torridge) \* [247].

Committee—Report—Entail Amendment (Scotland) \* [212-248]; Pharmacy (*re-comm.*) \* [215].

Third Reading—Pacific Islanders Protection \* [182], and *passed*.

*Withdrawn*—Petty Sessions Courts (Ireland) \* [138].

COMMERCIAL GAS BILL (*by Order.*)

CONSIDERATION. THIRD READING.

Order for Consideration, as amended, read.

MR. SAMUDA, in moving that the Bill be now taken into consideration, said, that, though he had just heard that this Bill was not to be opposed, he thought it desirable to make a short statement to the House on the subject. The Commercial Gas Company had been in existence for upwards of 20 years, and had faithfully carried out its pledges in respect of supplying gas to an important and still-growing district of the metropolis. The Company now required means for extending its works and mains, and had come to Parliament for the necessary powers. The present Bill was not opposed on the part of the public in



the neighbourhood, who had, in fact, petitioned in favour of it. The opposition came from certain amalgamated Companies, mainly the Chartered and Imperial, which sought to prevent the acceptance of the terms on which the Company was willing to supply their gas. This Bill and the Metropolitan Gas Bill were referred to a Select Committee, not constituted in the ordinary way, but which was known as a hybrid Committee. That Committee passed the Preamble of the Metropolitan Gas Bill, and then they took the present Bill into consideration, and came to the conclusion that it was right this Bill should be allowed to go on. The Commercial Company had accepted terms more liberal in the interests of the public than any other he was acquainted with. They limited their charge to 3s. 9d. per 1,000 feet for gas of 16 candle illuminating power, and agreed that whenever it should be necessary to increase the rate beyond 3s. 9d., for every penny increase they would reduce the dividend 5s. per cent from the maximum dividend. The Committee accordingly thought the Company should have the opposite advantage, and that whenever they should be able to reduce the price, they should be allowed to increase their dividend proportionately. The opposing Companies had increased their price to 5s. per 1,000 feet in 1873 and 1874—a charge very much beyond the price charged by the Commercial and Ratcliffe Companies, whose price at the time never exceeded 3s. 9d. and 4s., and the truth was that the Chartered and other large Companies did not like to see small Companies working economically and selling at the low rate proposed. The Commercial Gas Company had loyally carried out all its promises and engagements, and he declared he could not see why any external influence should be brought to bear in that House to upset a decision arrived at in the way he had described. He would move the consideration of the Bill.

Mr. GOLDNEY, in seconding the Motion, said, that the subject to which the Bill related was one of great importance to the metropolitan public, and a move in the right direction; because, although when such a question was brought forward in the House anyone asking in the Lobby what was going on there was told—"only a squabble about

gas," such a squabble related immediately to the expenditure of no less than £3,000,000 sterling a-year. He had given great attention to the subject, having sat on the Committee of 1867 under Lord Cardwell, and studied it carefully in all its bearings. The Metropolitan Board of Works and the Corporation of London had, he believed, done their best in the interests of the community for the gas and water supply of the metropolis. He thought the Bill ought to be allowed to pass.

Motion made and Question proposed.  
"That the Bill be now taken into Consideration."—(*Mr. Samuda.*)

COLONEL MAKINS said, he had no intention to oppose the Bill, or to enter into the discussion of the various questions raised by it, which would be more satisfactorily dealt with "elsewhere." He only wished to guard the House against assuming that the statements of its supporters could not be controverted.

Mr. W. E. FORSTER said, he was glad to find that the Bill was not opposed; but, as Chairman of the Committee on the subject, he appealed to the Government to do their utmost to give an opportunity for the public Bill, which had been before the Committee, to be discussed. If the Government had done so much in reference to it, it ought, he thought, to have done more. The rule as to half-past 12 o'clock ought not to be allowed to interfere in such a case with the full discussion of the Bill. In his opinion, too, a hybrid Bill of that sort ought not to be sent to a Committee at all.

COLONEL BERESFORD said, the other Gas Companies did not intend to oppose the Bill, for if the Commercial Company could work miracles or chose to commit suicide they were quite willing to let them do so.

Mr. BIRLEY, as a Member of the Select Committee upon the Bill, expressed his gratification at finding that it was not to be opposed; and joined in the appeal of the right hon. Member for Bradford that the Government would give facilities for the consideration of the general question.

Question put, and agreed to.

Bill, as amended, considered.

Standing Orders 224 and 248 suspended.

Bill read the third time, and passed.



EUROPEAN ASSURANCE SOCIETY  
ARBITRATION BILL. [*Lords.*] (*by Order.*)

## CONSIDERATION. THIRD READING.

Order for Consideration, as amended, read.

Motion made, and Question proposed, "That the Bill be now taken into Consideration."

MR. CHARLES LEWIS, in moving, as an Amendment, to leave out the words "now taken into Consideration," in order to add the words "re-committed," said, that by the Act of 1872 an arbitrator, who must be a retired Judge, was appointed, but after the lapse of three years and the expenditure of a large amount of money everything remained practically undecided. By the Act of 1872 the late Lord Westbury was appointed the first arbitrator to the Society under the liquidation, and upon his death the late Master of the Rolls, Lord Romilly, was appointed arbitrator. On the death of Lord Romilly, again, there was a temporary appointment of Lord Justice James as arbitrator. These various appointments had led to contrariety of decisions as between one arbitrator and another, and even by the same arbitrator; for whereas the decisions of the late Lord Westbury were, as a rule, in favour of creditors of the Society, in those of the late Lord Romilly, that noble and learned Lord ultimately separated himself from the line taken by his predecessors, and decided substantially in favour of the shareholders of the Company. In this way nothing was really decided, and every person who had under decision paid or received money might find himself put in the wrong by the decision of the arbitrator who was now to come into power. The Bill under consideration proposed two great changes. In the first place, instead of requiring that the arbitrator should be of judicial rank, it enabled the Lord Chancellor, without exhausting the list of those qualified under the Act of 1872 to act as arbitrators, to appoint a person who had been simply a barrister of 15 years' standing. It also gave certain powers of appeal, and he complained that the appeal given lay not on legal grounds but from one unfettered discretion to another unfettered discretion. But the most remarkable thing was, that neither

the promoters nor the opponents of the Bill gave any evidence in favour of its provisions as now settled upon this subject of unfettered discretion; and yet the Committee on the Bill had, without any evidence, settled it in the way he had described. In his opinion, the reason of that was that the Committee were affected by some of the statements not made in evidence. He had in his hand a letter from a distinguished ex-Judge, formerly a Member of that House, stating his willingness to act as arbitrator. If those who had charge of the Bill would allow it to be postponed, he would give the Notice required by the Standing Orders he proposed to move, and that would allow the matter to be considered next Wednesday, so that there would be no unnecessary delay. If not, he hoped he should find many hon. Members to go into the Lobby with him, and to vote for its re-committal. The question involved in the European and the affiliated Companies affected thousands of persons and hundreds of thousands of pounds, and it was thought by the Legislature that there ought to be a speedy and effective way of getting rid of such troubles and litigation, that the arbitration should be placed in the hands of a Judge of first-class reputation; yet it was now proposed to give it into the hands of a barrister of 15 years' standing, with the power of appeal. Under those circumstances, he moved that the Bill should be re-committed.

MR. STACPOOLE seconded the Motion, observing that he was sure the people of Ireland would not be satisfied with having as arbitrator a barrister of 15 years' standing, and that the name of the arbitrator ought to be in the Bill and not left to the whim of any man.

Amendment proposed, to leave out the words "now taken into Consideration," in order to add the word "re-committed,"—(*Mr. Charles Lewis*,)—instead thereof.

Question proposed, "That the words 'now taken into Consideration' stand part of the Question."

MR. SPENCER WALPOLE, in opposition to the Motion, observed that the House was placed in a very difficult position in this matter, and that his hon. Friend's objection in regard to the appointment of a barrister of 15 years'

standing as arbitrator went to the root of the matter. Still, the objection ought to have been taken on the second reading. That was not done, and the parties who came before the Committee had not urged the objection before they declared the Preamble proved. The Committee had therefore to decide according to the evidence produced. Even if passed, the Amendment of his hon. Friend would be perfectly useless. By the original a past Judge of great eminence (Lord Westbury) was appointed with absolute discretionary power. He was succeeded by Lord Romilly, and on his decease Lord Penzance was appointed, all of them having the same absolute discretion. He wished to say that the Lord Chancellor had tried to get a person of similar position to Lord Westbury and Lord Romilly, and failed, and under those altered circumstances this Bill had been introduced, which proposed to give a barrister of 15 years' standing, appointed as umpire by the Lord Chancellor, when there was a difference of opinion between two arbitrators, the same discretionary powers, but with an appeal from his decision to two of the Judges. Even now, if the Lord Chancellor should find such a person, the Bill would allow of his appointment. The Bill did not admit of a general appeal, but only of an appeal when one arbitrator differed from another, or when the same arbitrator differed from himself. What was wanted was that one uniform system should be established. As Chairman of the Committee, he denied that it was in any way influenced by the statement of counsel, and desired to say that he did not believe that any Committee could have shown greater interest or a stronger desire to do justice to all the parties concerned, and in the absence of any contention to the contrary, they decided upon the plan contained in the Bill to which his hon. Friend had so strongly objected. For one, he should certainly vote against the Amendment, as he considered that it would, in fact, necessitate either the appointment of a new Committee, or a reference to the former Committee, by which all the points had been fully considered. Both courses would be very objectionable.

SIR GEORGE BOWYER said, the right hon. Gentleman seemed to be under a misapprehension as to the effect

of the Bill. According to its terms, the person appointed arbitrator must at the time of his appointment be a barrister of 15 years' standing, and it was consequently not competent to the Lord Chancellor to appoint an ex-Judge.

MR. GOSCHEN pointed out that the words in the Bill were "the Lord Chancellor may," not shall, appoint a barrister of not less than 15 years' standing, and that parties might appeal to any two past Judges. He entirely agreed with the right hon. Gentleman the Chairman of the Committee in the objections he had taken to the Amendment, and hoped the House would support him in it.

MR. JACKSON said, that, having been called upon to take some part in this matter, and having been the mover of the Select Committee, he would venture to state his views as to the result of their deliberation. He felt that no time had been wasted by this discussion, because he hoped that it would result in this being the last occasion on which Parliament would sanction the taking away matters of this kind from the ordinary Courts, and creating these special tribunals. In this case there was, in his judgment, a bargain between Parliament and the classes of persons interested in the European Insurance Company, under which, in consideration of waiving their right to the decision of the Courts, they got a speedy judgment without appeal, and, if necessary, without being bound by strict legal rules. The Bill, as brought in, not only subjected these suitors to an appeal, but actually removed that discretionary power in the arbitrator which was so essential an element in the original Act; and that seemed so grave an objection that he had thought it his duty to intervene and to secure a full consideration of the Bill. The House acceded to his proposal for the appointment of a large Select Committee, and nothing could exceed the care and attention which that Committee bestowed on this most difficult question. No doubt the inability of the Lord Chancellor to find a competent arbitrator imposed a formidable task on the Committee. They had, however, considered and altered the Bill, and, rejecting what seemed to be its fundamental vice, had retained the discretionary power upon the faith of which the tribunal was originally constituted.

*Mr. Spencer Walpole*

He did not like the idea of an appeal in connection with arbitration; but he would bow to the decision of the Committee, thinking it would be dangerous to ask the House to re-consider the matter, and to interfere with the discretion of those who had much better opportunities for making themselves acquainted with the subject than the House could possibly have. They had dealt with the question of the arbitrator after hearing the parties, and as the Appeal Court could still exercise the discretionary power originally conferred, it seemed to him that the objection on the ground of alteration of jurisprudence had been removed from the Bill. He advised the House not to accede to the Amendment of the hon. Member for Londonderry.

MR. RAIKES said, he hoped that the hon. Member for Londonderry (Mr. Charles Lewis) would not press his proposal, particularly after what had fallen from the hon. and learned Member for Coventry (Mr. Jackson), who was the first to take an active part in bringing the question, in the first instance, before the House; and it was to the hon. and learned Member that they were mainly indebted for the searching investigation which had taken place. That investigation had been conducted by a Committee whose authority was equal to any ever appointed by the House, and he thought that the House should pause before setting aside the decision of the Committee, merely at the suggestion of a private Member.

SIR PATRICK O'BRIEN said, the question was one of the greatest importance, considering the magnitude of the transactions involved, and the proceedings ought to be carried out in the best possible manner. Speaking on behalf of a large number of policy-holders in the European office in Ireland, he thought their wish ought to be complied with, that a person holding the highest judicial position should be appointed as arbitrator. Under the present Bill it was provided that a barrister of not less than 15 years' standing should be appointed arbitrator, and therefore it was possible to select a man who might be totally inexperienced in dealing with such questions as would come before him, in which were involved hundreds of thousands of pounds. He should therefore support the re-committal of the Bill.

MR. MELDON also supported the proposition of the hon. Member for Londonderry, and remarked that evidence was laid before the Committee that an ex-Judge of great eminence was willing to act as arbitrator.

MR. CHARLES LEWIS said, he would not press his Amendment to a division, being satisfied with the discussion that had taken place.

Amendment, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill *considered*.

Standing Orders 224 and 248 suspended.

Bill read the third time, and *passed*, with Amendments.

#### MERCHANT SHIPPING ACT, 1854— SURVEY OF PASSENGER SHIPS.

##### QUESTION.

CAPTAIN PIM asked the President of the Board of Trade, If he will state to the House under what section, if any, of the Merchant Shipping Acts a passenger steamer is allowed to be surveyed by only one surveyor, as stated by him in answer to a recent question asked in this House; and, whether experience has shown that an efficient survey of a passenger steamer's hull and machinery can be made during the usually short time she remains in port, by one surveyor, however competent?

SIR CHARLES ADDERLEY, in reply, said, he could only repeat an Answer he had given to a former Question. Under the 305th section of the Act of 1854 surveyors were appointed. Under the 309th section passenger ships were surveyed by a shipwright and an engineer surveyor. In the case of iron vessels, the engineer surveyor was the iron shipwright surveyor. If one person was both an engineer surveyor and a shipwright surveyor, the object was then best attained by his making both surveys. The 307th section imposed on the Board of Trade the discretion of regulating the mode of survey. Experience had shown that a very efficient survey of a passenger steamer's hull and machinery could be made by one surveyor in the time which was called "short" in the Question, but which was ample in practice. If any surveyor was pressed for time, in a special case, he had always another to help him.



## THE HERNE BAY FISHERY ACT, 1864.

## QUESTION.

MR. PEMBERTON asked the President of the Board of Trade, Whether his attention has been called to the Report of Mr. Walpole, one of the Inspectors acting under the provisions of "The Herne Bay Fishery Act, 1864," and to the Report of the Board of Trade, signed by Mr. Farrer, and dated February 1875; and, whether, inasmuch as the Herne Bay Company has not adopted the course recommended by the Report of the Inspector, it is the intention of the Board to take any and what steps to restore the fishing grounds occupied by the Company, under the powers of the Act of 1864, to the public?

SIR CHARLES ADDERLEY: Sir, my attention has, of course, been called to a Report moved for and presented by myself. An official Report was made by Mr. Walpole, then an Inspector of Fisheries under the Home Office. It proposed a settlement of the question which could not be carried out, as it was not within the terms of the old Act. I have introduced, and Parliament has passed, six weeks ago, a new Act, under which, on a memorial being received an official inspection and report, now for the first time under the Board of Trade, may be made and acted upon.

## THE CAPE COLONY—ANNEXATION OF TERRITORY.—QUESTION.

MR. RICHARD asked the Under Secretary of State for the Colonies, Whether the attention of Her Majesty's Government has been directed to the proposed annexation by the Cape Parliament of certain territories between the Cape Colony and Natal; and, if so, whether they are able to give the House any assurance that the native tribes have given their consent to such annexation?

MR. LOWTHER, in reply, said, the attention of the Government had been directed to the matters referred to in the hon. Gentleman's Question. The conditions of the proposed annexation had been freely consented to by Adam Kok and those principally concerned with him in the government of the country, and were to be submitted by him to his people for their ratification, which was expected to be given by a very large

majority. Beyond this no official information had been received, but there seemed no reason to doubt that the native tribes concerned would have been consulted and would have given their assent to a formal and complete annexation to the Cape Government.

## SEA FISHERIES ACT, 1868—POOLE HARBOUR FISHERY.—QUESTION.

MR. DODDS asked the President of the Board of Trade, Whether he will lay upon the Table of the House Copies of the following Documents, namely:—Application to the Board of Trade of Mr. George Augustus Frederick Cavendish Bentinck, of Brownsea, Dorset, M.P., for the grant of a several Oyster and Mussel Fishery in a portion of Poole Harbour, in the county of Dorset; Draught Order of the Board of Trade with reference thereto; and Report of Mr. Spencer Walpole, one of the Inspectors of Salmon Fisheries, which is now under the consideration of the Board of Trade; and, whether he will defer making any order until such documents have been presented to the House, and circulated amongst Members?

SIR CHARLES ADDERLEY: Sir, Parliament, by the Sea Fisheries Act, 1868, empowers the Board of Trade to make Provisional Orders in matters relating to oyster fisheries; but no Order, of course, is of any validity until confirmed by Act of Parliament. There is, therefore, no necessity for the Board of Trade to defer consideration of this application or action, because when the confirming Bill is brought in—which cannot be done this Session—there will be ample opportunity for hon. Members or others interested to state their views. As soon as the Board have come to a decision on the application, I shall offer no objection to any Motion that may be made for the production of the Inspector's Report. The other documents mentioned are merely formal.

## PUBLIC HEALTH—POLLUTED WELLS AT HUCKNALL TORKARD.

## QUESTION.

MR. MACDONALD asked the President of the Local Government Board—If his attention has been directed to the report of the Hucknall Torkard Board, which appeared in "The Mansfield and North Nottingham Advertiser" of the 2nd

instant, and in which it is reported Mr. William Calladine made the following statement:—

"That 200 inhabitants of Hucknall found their supply of water from muddy streams, 250 more were dependent on wells which did not afford a sufficient supply, and 100 more on wells contaminated and impure and unfit for use; that after every storm there was a great pollution of wells from the surface drainage, and this state of matters if it did not create disease, at least did much to propagate it and make it more malignant;"

and, whether, if such a statement be really correct, if the Local Government Board cannot compel the Board to take immediate steps to supply pure water to the district?

MR. SCLATER-BOOTH, in reply, said, he had read the Report referred to, and as it appeared to have been made by the Chairman of the Sanitary Committee at Hucknall it was to be presumed that he would be the individual who had the power to rectify the scandals to which the hon. Gentleman called attention. The case, however, came under the notice of the Local Government Board towards the close of last year, in consequence of a Report from the medical officer for the district concerned, and the local authority was then informed that it was their duty to provide a proper supply of water. It appeared that shortly afterwards the neighbouring districts joined with the authorities of Hucknall with the view of providing themselves with water, and in the month of March last the combined districts instructed an eminent engineer to report on the subject. This Report was laid before the authorities a month ago, and considering that the works would involve an expenditure of between £50,000 and £60,000, he did not think that any complaint on the score of undue delay could be attributed to the local authorities. If they should decline hereafter to provide any works, it would be competent for the Local Government Board, on complaint being made, to issue an Order requiring them to furnish such supply; and in the event of disobedience to that Order, which there was no reason to anticipate, the Board would be able to apply to the Court of Queen's Bench for a *mandamus* to compel the execution of the order.

#### CHINESE LEGATIONS IN EUROPE—MR. MARGARY.—QUESTION.

MR. EATON asked the Under Secretary of State for Foreign Affairs, if any advice has been received from our Minister at Peking as to the decision of the Chinese Government to establish Legations and Consulates in Europe; and, if the Mission appointed to inquire into the death of Mr. Margary has left Peking?

MR. BOURKE: Sir, no official information has reached the Foreign Office on the first subject of the Question of the hon. Member; but it might, perhaps, be accounted for by the fact that Mr. Wade, our Minister at Peking, had not been there for some time when he wrote the last received Despatch. Perhaps we may hear from him before long. The Mission appointed to inquire into the death of Mr. Margary has not yet left Peking, and the reason is the weather is extremely hot, and it is thought undesirable it should leave until the cold weather commences.

#### SOUTH AFRICA—CONFERENCE OF COLONIAL GOVERNMENTS.

##### QUESTION.

MR. A. MILLS asked the Under Secretary of State for the Colonies, Whether any replies have been received to the Despatch addressed by Lord Carnarvon, through the Governor of the Cape Colony, on the 4th of May last, to the Presidents of the Trans-Vaal Republic and the Orange Free State, and the Governments of Natal and Grigna Land West, respecting a proposed Conference of Delegates from the Colonies and States of South Africa; and, whether there would be any objection to lay such replies when received upon the Table of the House?

MR. LOWTHER, in reply, said, no answers had as yet been received. Papers on the subject would be presented in due course, but the Correspondence was wholly incomplete, and it was at present obviously impossible to make any definite promise on the subject.

#### ENDOWED SCHOOLS—DULWICH COLLEGE.—QUESTION.

MR. FAWCETT asked the Vice President of the Council, Whether Petitions have been presented to the Committee

of Council on Education from Rate-payers of Camberwell, Saint Saviour's Southwark, and Saint Luke's Middlesex, praying that the Dulwich College Scheme may be laid before Parliament; and, when the Scheme will be laid upon the Table of the House?

VISCOUNT SANDON: Sir, the Petitions referred to by the hon. Gentleman have been presented, but the scheme cannot be laid upon the Table until the legal difficulties connected with the signatures of the late Endowed Schools Commissioners and the present Charity Commissioners recently raised by the Exeter case has been settled.

#### PRIVILEGE—CARDINAL MANNING.

##### QUESTION.

MR. O'CONNOR POWER said, he wished to ask the hon. Member for Peterborough (Mr. Whalley) a Question of which he had given him private Notice, and which might hereafter involve a short discussion on a question of Privilege. He wished to ask him, Whether he was not mistaken in attributing to his Eminence Cardinal Manning the words contained in the Question which the hon. Member for Peterborough put to the Prime Minister on the previous day—namely, that it was the mission of the Roman Catholic Church in England to “bend or break the Imperial power of England into submission to the Papacy?”

MR. WHALLEY, in reply, said, he had only heard of the Question since he entered the House; but he thought he was in a position to give the hon. Member a satisfactory answer. The words of his Question yesterday were—

“That Cardinal Manning said that they (the Jesuits) were the leaders of the great Catholic mission in this country, and that the object of that Mission was to break and bend the Imperial power of England into submission to the Papacy.”

The hon. Member at once challenged him, and, speaking from recollection, he replied that these words were published in *The Tablet*, of July 20, 1872. He found that was so on the authority of the “Monthly Letter of the Protestant Alliance.” [Laughter.] He was not himself a member of the Protestant Alliance, but many Members of that House belonged to that body, and he had never heard any statement of theirs successfully called in question. The

authority he had quoted seemed to suggest some amusement, and if the hon. Member was not satisfied he would afford him a further opportunity of verifying it from the organ of the Protestant Alliance. These were the words—

“Writing of the Jesuits, who, as Cardinal Manning stated, were now at the head of the great Catholic mission in this land.”—[*Tablet*, July 20, 1872.]

As to the other words he quoted, they were somewhat abbreviated from a similar extract from a reported speech of Cardinal Manning; but the House, if they would allow him to read it, would judge whether it was fairly given. He said—

“We have to subjugate and subdue, to conquer and rule, an Imperial race. We have to deal with a will that reigns throughout the world as the will of old Rome once reigned. We have to bend and break a will which nations and kingdoms have found inflexible and invincible. Were heresy conquered in England, it would be conquered throughout the world: all its lines meet here; and therefore in England the Church must be gathered in her strength.”

That was the best justification he could offer, and it appeared to him to be sufficient. If, however, the hon. Member desired any further information and would put his Question on the Paper, he would endeavour to satisfy him.

MR. O'CONNOR POWER said, it would be observed that the ground on which he trespassed on the attention of the House was, that the statement made yesterday by the hon. Member, which he believed was not founded in fact, he was now convinced was inaccurate. He anticipated that the hon. Member would rely—[“Order!”]

MR. SPEAKER said, that any debate on the Question would be out of Order. The hon. Member had put a Question, and he had received an Answer. If he had anything further to say, he might possibly, by the indulgence of the House, be heard, but there could be no debate.

MR. O'CONNOR POWER said, there was no hon. Member of the House more anxious to obey the authority of the Chair or to be guided by the feeling of the House than himself. He merely wished to read the language actually employed by Cardinal Manning, and to show that the extract, on the authority of the Protestant Alliance now read by

*Mr. Fawcett*



the hon. Member was equally garbled with the words he attributed yesterday to Cardinal Manning. The occasion on which Cardinal Manning used the words was a meeting in 1859, of the Provincial Council of Westminster, at which the Cardinal delivered a sermon that had no reference to the Jesuits, but which referred to the strictly spiritual missions of the Catholic Church generally to bend to the reception of the truth the will of the English race. He was addressing the English Catholic Bishops, and he said—

“And, lastly, it is good for us to be here in England. It is yours, right rev. Fathers, to subjugate and to subdue, to bend and to break, the will of an Imperial race”——

[“Hear, hear!”]—he hoped hon. Members would wait until the sentence had been entirely read before they expressed an opinion on it—

“To bend and to break the will of an Imperial race, the will which, as the will of Rome of old, rules over nations and peoples, invincible and inflexible. You have to rear the House of Wisdom, which was fallen, and to do this you have now, as the Apostles then, to gather from the Spiritual quarry the stones which shall build up the House of God. You have to call the legionaries and the tribunes, the patricians and the people of a conquering race, and to subdue, change, transform, transfigure them, one by one, to the likeness of the Son of God.”

He wanted to point out that these words did not bear the meaning which was given to them by the hon. Member; but——[“Order, order!”]

MR. SPEAKER said, the House had given the hon. Member an opportunity of correcting the quotation, and he submitted that any further debate would be out of Order.

MR. WHALLEY: May I be permitted to——

MR. SPEAKER: The hon. Member would be entirely out of Order. The Question is, that the Clerk do now proceed to read the Orders of the Day.

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, “That Mr. Speaker do now leave the Chair.”

#### CONSULAR CHAPLAINS.

##### RESOLUTION.

MR. HEYGATE, in rising to call attention to the Report from the Select Committee (July 1874)—

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“Appointed to inquire into the circumstances attending the withdrawal of the allowances granted to Consular Chaplains under the provisions of the Act 6 Geo. 4, c. 87;”

and to move—

“That in the opinion of this House, the withdrawal of Government Grants in aid of the maintenance of Consular Chaplains under the provisions of the Act 6 Geo. 4, c. 87, is uncalled for and inexpedient, and should be re-considered by Her Majesty’s Government;”

said, that the grants to Consular Chaplains amounted for many years past, and in 1873, to about £7,000 a-year. In 1874 they were reduced to £4,500, and in this year the sum asked for in the Estimates was only £2,250. Although he was favourable to economy in the public expenditure, he submitted that the reduction in the Vote was inexpedient and unnecessary. Formerly, the Chaplains whose ministrations were principally required for a fluctuating population of British seamen were paid out of dues upon British merchandize. In 1825 an Act was brought in by Mr. Huskisson, which placed the Consular Chaplaincies on a more satisfactory basis. The tonnage dues were abolished, and in their place were substituted allowances which were settled by the Foreign Secretary, and partly based upon local efforts, as in the Education Vote. Thus 42 Chaplains, churches, and burial grounds were subsidized at a cost to the country of a little over £200 a-year each. It was fondly hoped by the hon. Members who supported Her Majesty’s Government that there would be a re-consideration of this question, especially as the withdrawal of these grants was an uncalled for and spontaneous action on the part of Lord Granville. No hon. Members of the House had asked him to take that course, nor had a single objection been made to the vote by any section of politicians. By that withdrawal he simply carried out his own view. When the present Government came into office, a deputation waited upon Lord Derby on this subject; but great was the disappointment of that deputation. The only thing they gained was a promise that a Committee should consider the circumstances attending the withdrawal of these grants. The Committee sat and considered two grievances in relation to the question—first, the hardships of the individual Chaplains; second, the loss sustained by the com-

munities interested in their maintenance. He had no desire now to refer to the former; but, as regarded the latter grievance, the evidence given before the Committee was all one way, and the Report of the Committee was another way. Seventeen places at which these Chaplains had been appointed had sent expostulations to the Government against the withdrawal of these grants. It was proved beyond question that the services of these Chaplains were useful to all denominations, and that being so, he would ask what was the opinion of the House and the country with regard to providing spiritual assistance in these cases. The opinion of the House had been clearly expressed in the case of the Arctic Expedition. It was stated that there was considerable difficulty in providing sufficient room for Chaplains; but the necessity of sending out two Chaplains was so strongly enforced on the Government that they were under the necessity of doing so. He did not say the cases were exactly analogous, but certainly there was a strong family resemblance between them, and beyond that it must be remembered that great difficulty would attend the withdrawal of the grants. Earl Granville's Circular alleged that the increased wealth of our merchants abroad showed it was unnecessary to continue these Treasury allowances; but he could combat that statement by extracts from the evidence adduced before the Committee, and which proved that at Hamburg, Trieste, Lisbon, Oporto, and other ports, the English communities were more numerous and less wealthy than at any period since the passing of the Act relating to the appointment of Consular Chaplains. The money value of these grants was certainly small, and unless an important principle had been involved, he would not have asked the House to re-consider the subject. Silence might, however, have been interpreted as an approval of the autocratic act of the Government. Such a policy was to be expected from those who avowed their contempt for religious ministrations of any kind, or who thought that the State had no concern in these matters. It might be excusable under pressure from opponents. But the present Government owed their position to the profession of principles which were quite opposed to Disestablishment, whether on a

large or a small scale, and their conduct on this question was much regretted by their best friends. He still hoped, however, that at the eleventh hour, they would re-consider the withdrawal of the allowance, especially as such withdrawal had occurred without the sanction of the House; and, in order to give them the opportunity, he would move the Resolution.

COLONEL ALEXANDER: Sir, as a Member of the Select Committee, appointed last year, to consider the question of Consular Chaplaincies, I shall be glad if the House will allow me to make a few observations in seconding the Resolution proposed by the hon. Gentleman the Member for South Leicestershire (Mr. Heygate). I will not enter into the legal point involved in the question, which was, I believe, decided by the late Law Officers of the Crown, who ruled—that Her Majesty's Government possessed the power, at any moment, of severing the connection hitherto subsisting between Consular Chaplains and the Crown. Moreover, this was made sufficiently clear by the speech of Mr. Huskisson in 1825, who, in proposing what he termed a change in the system of our Consular Establishments in foreign ports, said—

“As an encouragement to the British merchants residing at or resorting to those ports to provide the means of performing the important duties of religion, I shall propose in the Bill to give a power to the Government to advance a sum equal to the amount of any subscription which may be so raised, either for erecting a place of worship, providing a burial ground, or allotting a suitable salary to a chaplain in any foreign port where a British Consul may reside.”

Sir, I am quite ready to admit that the words—“give a power to the Government,” in the passage I have quoted, conclusively prove that it will be competent for it, at any moment, to renounce this power. The sole question, therefore, as it appears to me for our consideration, is under what circumstances Government renounced this power, and whether it acted wisely in such renunciation? I will assume that the late as well as the present Government agree in opinion with the administration of which Mr. Huskisson was a distinguished ornament, that it is right for the British merchants and residents at Consular ports “to provide the means of performing the important duties of religion;” and I can, therefore, only

*Mr. Heygate*

suppose that the reason why the late Government withdrew, and the present Government concurred in the withdrawal of this subsidy termed by Mr. Huskisson "an encouragement" for such provision, was because, in their opinion, no such encouragement was needed. At any rate this was the ostensible reason, but behind there was, I imagine, another operating still more powerfully—the desire to economize £9,000 in the annual expenditure of the country. This I am entitled to infer from the circumstance that Lord Granville, in his Circular of July, 1873, to the Consuls, announcing the approaching withdrawal of the grant to Chaplains, said—

"That the Estimates were under his consideration with the view of carrying out the recommendations of the Committee of the House of Commons."

Well, Sir, I turned to the Report of the Select Committee on the Consular Service, which sat in 1872, of which the right hon. Gentleman the President of the Local Government Board was Chairman, and I found there a most flourishing account of the finance of the Consular Service. The total net charge was only £135,000, and the Committee said—

"These Estimates exhibit a reduction of £5,000 as compared with those of the previous year, which, again, were lower by £7,300 than those of the year 1869-70."

And by a tabular statement appended to the Report—

"It appears that the extra receipts in aid of the Consular expenditure have exhibited a steady increase during the past four years."

Well, Sir, the Committee having made this satisfactory statement, proceeded to put the very natural question—"These things being so, why, it may be asked, should change be thought necessary?" and they answered by saying—

"That universal complaint of insufficient pay would alone prepare the Government for the necessity of looking about for some means of retrenchment to set off against increased cost of salaries."

The Committee, in short, saw the absurdity, in the face of constantly increasing receipts and diminishing expenditure, of proposing any reduction in the Estimates without giving some reason, and they found one in the not uncommon complaint of insufficient pay. But even so, the Committee did not propose to effect these economies at the expense of Consular Chaplains. They recommended reductions in the Consular

Court and establishments at Constantinople, and generally the suppression of what they termed redundant posts. They advocated the consolidation of Consulates in some places, but from the beginning to the end of their Report not one word did they say about Chaplains, or the £9,000 required for their support. Moreover, not a single question was put by any Member of this large and important Committee to the witnesses relative to Consular Chaplains and their stipends. I was about to close the book when two ominous little paragraphs in a Memorandum, put in by one of the witnesses, caught my eye. This Memorandum inserted in the Appendix was handed in by Major Crossman, Royal Engineers, sent out to arrange generally, not for the construction of churches, but of Consular barracks in China and Japan. Speaking of Kow-keang, Major Crossman said—

"I cannot refrain from pointing out the great expense incurred here by Her Majesty's Government in giving half the cost of building a church for the benefit, as it now turns out, of about seven people, for those in the Chinese Service can bring no claim to the boon. At the time the money was given there were only 15. Government still pays half the Chaplain's salary—£200, I think. It is done under Act of Parliament 6 Geo. IV., c. 87; but I might venture to suggest that some revision of the Act might now be made."

And then after remarking that before any money is granted there should be some certainty as to the number of the congregation, he concludes—

"It is hard that a taxpayer in England should have to pay the means required to secure the spiritual welfare of half-a-dozen tea-tasters on the banks of the Yangtze."

Doubtless, this cynical remark must have suggested to Her Majesty's late Government the opportunity of effecting an annual saving at the expense of the spiritual welfare of the people thus contemptuously termed tea-tasters. But, in point of fact, I do not believe that the Government ever contributed to the building of a church for seven or even 15 people. Churches at Consular ports were built not so much for a stationary as for a migratory population frequenting those ports. I mean seamen—and I am confirmed in this impression by some interesting letters lately published, written by a lady, whose husband was employed in China. Speaking of Foochow, this lady says—



"The Seaman's Chapel was built, as its name denotes, specially for the benefit of sailors, of whom there are a great many here in summer, when the harbour is crowded with a perfect fleet of magnificent clippers, waiting to carry home their freight of tea."

And three months from that time, the same lady wrote—

"We have for some time been in a most benighted state as regards service in the church. It was given up in consequence of the withdrawal of the Government grant having so materially reduced the income of the Consular Chaplain; he has returned to England, and no one has been yet found to take his place."

Then the lady described the surprise of the native population, mentioned the circumstance that American missionaries had re-opened the English Church, and concluded by saying that, during what she termed "the clerical famine," "they had occasionally gone for service on board the man-of-war lying in the harbour." But it is said there are many churches in the interior of France, Germany, and other countries which receive no support from Government grants. Quite true. But, in all these cases, the churches, excepting the sums contributed by certain societies, are maintained by residents for residents, while in the Consular ports, by withdrawing the grants to Chaplains, you virtually compel the residents to make spiritual provision for the sailors and others touching at those ports. It is difficult to form a conception of the arduous nature of the duties of Chaplains stationed at South American ports. We had it in evidence that one of them, independently of his work in hospital, which, although trying, nevertheless, had its consolations the Chaplain was obliged to trudge along a hot dusty road to his terrible cemetery duties, burying sometimes as many as eight corpses in one day, and no fewer than 257 in one year. Even the relations were afraid to attend, and oftener than not the Chaplain rejoiced at their absence. Sir, I ask the House is it fair, is it right, to expect merchants at foreign ports to find an educated gentleman to perform this work without any assistance from Her Majesty's Government? It is true that, in consequence of the Report of the Committee which sat last year, the present Administration has made exceptions at certain South American ports, and are thus far entitled to our gratitude; but I maintain that other exceptions should have been made. Mr.

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Wylde, who has been 37 years Superintendent of the Consular Service at the Foreign Office, who has visited most of the Consular Ports, and who probably knows more about this question than any other man now living, says—

"I would not have recommended the sweeping measure which has been adopted. I should have disestablished some of the Chaplaincies. I should have dealt with each case on its own merits; if you make exceptions in one or two cases, I do not see why you should not make exceptions in others."

Sir, if the House will permit me, I will mention two places where, in my humble judgment, exceptions should have been made, but which, nevertheless, were not made—I mean Oporto and Hamburgh, to which the hon. Member for South Leicestershire (Mr. Heygate) has alluded. These two places are types of many others which might be placed in the same category. There is yet one other plea, and that by no means the weakest, which may be urged in favour of keeping Chaplains at Consular Ports under Government control. A Chaplain, partially supported by Government, may be required to give his attendance to seamen, whereas one maintained by the residents will naturally restrict his ministrations to them. Sir, I will not dwell on the cases of individual hardship abundantly proved before the Committee, of clergymen who had given up some livings, others the prospect of livings, to devote themselves to work in pestiferous climates, paying at the same time large sums to insurance offices for the privilege of living, and possibly of dying there—hardships, in many instances, aggravated by an almost unparalleled series of blunders on the part of the Treasury, who calculated the pensions to be awarded—first, on one basis, and then on another; who drew up schemes of retirement, which, even to so experienced a hand as Mr. Wylde, were totally incomprehensible, for he says—

"To tell the truth, the matter is in so incomplete a state, that we have asked the Treasury to draw up their own notice."

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Mr. BERESFORD HOPE said, the surprise, grief, and mortification with which quiet, thoughtful people of all parties, and of all views as to religious matters received Earl Granville's startling announcement two years ago that these grants were to be withdrawn, was only equalled by that which was felt when the present Government—in a spirit which he (Mr. Beresford Hope) could qualify by no milder term than indifference—announced that this Act of their Predecessors was unreformable and irrefragable. There had been no public call for the change; there was, on the contrary, a great deal of disappointment and disgust when it came out that our high national character for religion and generous consideration had thereby been paltered with. He did not hear that even the Liberation Society passed a vote of thanks to the late Foreign Secretary. It was a passing craze of the Foreign Office of that day; but the scheme was practically only on paper when the present Ministry came into office, for the Chaplains were mostly still at their posts serving out their remaining terms. No doubt a formal policy had to be overtly reversed, and certain formalities would have to be gone through; but, in the meantime, the Chaplains were in their year of grace, and no inconvenience would have been inflicted on anyone by restoring, or rather by maintaining, the old system. In its defence he felt almost ashamed to urge that the principle was plainly obvious that a

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tion of the country, that a national recognition of religion was right, and that in the Church of England that recognition was made in a shape alike scriptural, practical, tolerant, and popular.

Mr. HANKEY denied that any religious considerations—High Church, Low Church, or no Church—had anything to do with this change. It arose entirely from the fact that these grants were very greatly abused. In many places the British residents had availed themselves of the Consular Acts to establish a church to be paid out of these grants, while they were able enough to maintain it from their own funds. It was in consequence of frequent complaints on this score that the Committee had been appointed; and the people of this country naturally objected to be taxed for the support of such establishments.

Mr. W. C. CARTWRIGHT said, the question which the House had to consider was as to how far the action of the Executive Government with reference to a particular Act of Parliament was in conformity with that Act, and how far in violation of it. He considered it somewhat remarkable that, after a close examination and much discussion in Committee, if there was any difference of opinion all opposition was withdrawn, and the Report was signed by the Chairman as an unanimous Report. Such a Report surely deserved some consideration. It was adopted unanimously after evidence had been given by witnesses, every one of whom had been summoned by the Chairman himself; and, so far from being antagonistic to the evidence taken, it was founded upon that evidence. The witnesses examined were all admitted to be most competent men, and he (Mr. Cartwright) denied that their evidence was all against disestablishment and that the Report was contrary to the evidence. He would only refer to two—Mr. Wylde, the head of the Consular Department, and a gentleman who had been a Consular Chaplain abroad for 47 years. Mr. Wylde was asked whether in his experience of the Foreign Office, which extended over 40 years, he had known of any instance of the abolition of Consular Chaplaincies or the reduction of their salaries by the Foreign Office, and his reply was that within the last 10 or 15 years the grants had been withdrawn from several places. He was asked as to the terms on which these

Chaplaincies were abolished, and his answer was—"We simply withdrew the contribution, and let the matter rest with the congregation." He was asked, did the Chaplain in such a case receive any pension? The reply was—"Most certainly not." The other witness to whom he alluded was the representative of an abolished Chaplaincy, and his case was one which was supposed to constitute the grievance into which the Committee had to inquire. The gentleman in question, the Rev. Mr. White, on being asked whether, if the salary were withdrawn, the chaplaincy would be abolished, replied—"No; it never would be abolished." The Committee investigated the whole subject most carefully, and in their Report they stated there were places that were exceptionally circumstanced, and that those places should be dealt with exceptionally. He did not attach much weight to the lugubrious vaticinations that had been indulged in as to what might happen among the hot plains and the swamps of South America, if these grants for Chaplaincies were withdrawn, and in the case of Alexandria he was informed upon the best authority that the English residents were now better provided with spiritual aid than before, and that the church was so prosperous that the Chaplain had refused a large pecuniary gift because they had got so much money that he did not know what to do with it.

Mr. D. R. ONSLOW said, it was in consequence of the Under Secretary of State for Foreign Affairs informing the Committee that more would be done for the Consular Chaplains if the Committee were unanimous in their opinion, that the Report was drawn up in its present mild form. His hon. Friend might recollect that there were on that Committee some who wished to mark strongly their disapproval of the Circular issued by Lord Granville, and to embody their views in the Report itself; and he might also recollect that it was only at his earnest solicitations that these objections were eventually withdrawn. It was hardly fair, then, now to cast in their teeth the unanimity of that Report. If the Committee had had its own way there would have been more done for them than it seemed had actually been the case. It had been said that some of the grants had been misapplied, but he, as a Member of the

the Government could not alter a course which had been adopted deliberately, and the reversion of which would not be consistent with the temper of the House of Commons. For his own part he did not know where the noble Lord got his information from. He was surprised and astonished to hear such a declaration from a Member of a Conservative Government that commanded large majorities. The fact was, however, that it was five years since the noble Lord had sat in that House, and that during the time he held a seat in it there had never been a Conservative majority. He confessed that when 50 Members of that House, holding influential positions, went to the Foreign Office, he was astonished at this declaration on the part of a Conservative Minister after the General Election that had just been held. The Under Secretary for Foreign Affairs had laid great stress upon the Report of the Committee being unanimous. But why was it unanimous? The hon. Gentleman was far too good an official not to take his tone from his Chief, and the Under Secretary for Foreign Affairs took the part of hon. Gentlemen opposite the whole time, and turned round upon those who supported a Conservative Government. When he saw this, he (Sir H. Drummond Wolff) felt then that their case was hopeless—that there was nothing to do but throw up the sponge and adopt the principle of *Sauve qui peut*. He adopted the advice of the hon. Gentleman, fearing that if the Report of the Committee were not unanimous, it would have no weight with the House or the country. He accepted the Report as the minimum of what he felt was wanted; but it was a wretched alternative. What he wanted was the contents of the Report which he himself had drawn up. To that he adhered, and that he hoped to obtain. He admitted that hon. Gentlemen opposite had acted in a spirit of great conciliation; but he denied that the conduct of the Government was in accordance with the feeling of the country, or the pledges given by Conservative candidates on the hustings, and he would not be satisfied unless the Government reconsidered the matter. He should certainly vote in favour of the Motion of his hon. Friend if the House divided, for he maintained that those who were brought into power by the assistance of

the Church ought to do something for the Church.

THE CHANCELLOR OF THE EXCHEQUER said, he would not enter into the general question, but he would say that it ought to be pointed out that the hon. Gentleman who had just sat down was the Chairman of the Select Committee, and the Report, which was the basis of that adopted, was drawn up by the hon. Member himself. [SIR H. DRUMMOND WOLFF: I beg your pardon, not the basis at all.] He (the Chancellor of the Exchequer) would frankly own he had never looked at the draft Report; but on looking at the one put into his hands, he found, at all events, that it contained the principal paragraphs of the draft Report submitted by the Chairman of the Select Committee. In that draft Report the Chairman went into cases of hardship, and then laid down the principle that considerable hardship would be inflicted both on communities and on individuals unless some modifications were introduced into the decision come to by Lord Granville, and that the exemptions in the Circular of Lord Granville should be considerably extended and enlarged. That was what he called the basis and principle of the Report, and he held that the House were fairly entitled to look upon such a Report of the Committee as being intended to be a settlement of the question. The hon. Gentleman said that the Committee were not treated fairly. For his part, he (the Chancellor of the Exchequer) thought that the Committee had not treated the House fairly, if their Report was to be read in the sense which the hon. Gentleman had put upon it. Instead of "throwing up the sponge," the hon. Gentleman, as Chairman, ought to have taken the opinion of the Committee and got the majority to approve of his Report. When action had already been taken, it was difficult to reverse that action. He could only repeat what had been said by his hon. Friend (Mr. Bourke), that the principle of the Report appeared to be that the different cases should be looked into, and where cases of hardship were discovered, they should be dealt with. Upon that principle the Government were prepared to act, and if a necessity was shown for further exemptions, they should be made.



laincy would be abolished if the grant were withdrawn?—he said it would not, and that it would never be abolished. Mr. White was then asked whether there were not a sufficient number of persons interested in the trade of Oporto to support a Chaplain. He replied that there were gentlemen at home making large fortunes in Oporto and elsewhere, and if each would only subscribe a very small sum they could support any number of Chaplains that were necessary to the establishment. The hon. Member for Cambridge University (Mr. Beresford Hope) could not be serious when he placed this question on the ground of Disestablishment. If the action of the Government on this subject had the smallest similarity to Disestablishment, he (Mr. Bourke) should be the last person to support it. The establishment of Consular Chaplaincies had not the slightest similarity to the Establishment of the Church of England, or the Church of Scotland. He agreed with the hon. and gallant Member for South Ayrshire (Colonel Alexander) that each case must be treated on its own individual merits, and in that view, the Committee went minutely into the case of each Chaplaincy. As an opinion had been attributed to him by the hon. Member for Guildford (Mr. Onslow) which he never expressed, he wished to explain that what he did say was, that he thought it desirable that the Report of the Committee should be unanimous, because, if so, it would be accepted by the House and the country as a final settlement of the question. He still held that opinion, and he trusted that the House would support the Committee in their decision. The Government had made a considerable change in the Chaplaincies of South America. In the case of Pernambuco, the Chaplaincy had been re-established. The Chaplain had returned to this country, but another person had been sent out. The cases of Bahia and St. Thomas had also been specially treated. There was a great deal of English shipping in the Danish Islands, and as there were many English sailors at St. Thomas, the Government thought that a case had been made out for keeping up the Chaplaincy there. The Government would retain a right to act upon their discretion, and there was nothing to prevent them from re-establishing a Consular Chaplain in any of the places from which the allow-

*Mr. Bourke*

ances had been withdrawn. He trusted, however, that the Government would be supported in adhering to the unanimous recommendation of the Committee. They did not adhere to that recommendation simply because their Predecessors had formed the same opinion; but, unless a strong case were made out, the Government were of opinion that the principles laid down by the late Government, and acted upon by the Foreign Office, ought still to be the rule of the Consular Service. He could not assent to the Motion.

SIR H. DRUMMOND WOLFF, having been Chairman of the Committee, wished to make a few remarks. He did not complain so much of Lord Granville or hon. Gentlemen opposite. He thought the policy they advocated in abolishing the Chaplaincies was only in consonance and harmony with their other acts; but he did complain that a Conservative Government should carry out that policy, and that a Minister should rise from the Treasury Bench to court the cheers of hon. Gentlemen opposite against his own Friends. He had had much experience at the Foreign Office in the department relating to Consular Chaplains, and he had also had occasion to visit places abroad where he had seen the merits of the institution. The abolition of the Chaplaincies took place before he had the honour of a seat in the House, and he felt the hopelessness of outside agitation, but as soon as he had obtained that honour he asked the Question of the Government on the subject, and he was strongly advised from Governmental quarters to have the matter represented to the noble Lord at the head of the Foreign Office. He therefore recommended those who objected to the withdrawal of these allowances to represent their case to Lord Derby. Accordingly, one of the most important and influential deputations that ever waited on a Minister went to the Foreign Office. It included 50 or 60 Members of Parliament, representing both Universities, the City of London, and many counties and large towns, and they represented to Lord Derby the necessity of reversing the decision of Lord Granville. Lord Derby, however, met the deputation in anything but a conciliatory spirit. If they had waited on Lord Granville, they would scarcely have been worse treated. The noble Lord told them that

other reforms, which led to the appointment of the Royal Commission. Suffice it to say that it became clear in 1872 that public opinion in Scotland as to hospital management had quite outgrown the powers of self-reform vested by law in these institutions. New legislation became necessary, and this Commission was appointed with a view to inquire what reforms were wanted, and what kind of legislation was required, not only as to hospitals, but as to other educational endowments in Scotland. The recommendations of the Commissioners with regard to hospitals generally are very shortly these—They advise that the children, instead of living a sort of half-prison life within the hospital walls, should be as far as possible boarded out in families; that in many cases they should attend the public elementary schools; while in others children from outside should attend the hospital schools. They advise that the numbers of charity foundations should be reduced, seeing that education in Scotland is now so much more accessible than it used to be. They advise that, in some cases, the charity should be assisted by requiring the persons interested in the children to contribute something to their maintenance, and they think that some of the places on the foundations should be thrown open to competition by boys who have completed a course of instruction in elementary schools. If these suggestions be adopted, the Commissioners conceive that the resultant changes will introduce into the hospitals a far healthier and happier tone; that they will benefit the districts in the immediate neighbourhood of the hospitals; that they will aid the charitable designs of their founders by getting from without contributions in aid of those charitable designs; that they will stimulate education generally, and build a ladder by which clever boys in the elementary schools of the country may rise to have the benefits of secondary and higher education. These are the chief general recommendations with regard to the hospitals. I myself entirely approve of them, and should like to hear from others that they do so too. There are a variety of other recommendations with regard to the special wants of particular hospitals, as to the character of which it would be unreasonable to ask the Government or private Members to give opinions to-night; but

there is one with regard to Heriot's Hospital so important, and, as it seems to me, so excellent, that I must call attention to it. After pointing out that the children of petty tradesmen and skilled artisans form the greater part of the foundationers at Heriot's Hospital, the Commissioners go on to show that the skilled artisan in various foreign countries is—thanks to his greater facilities for getting a good education—leaving his British brother far behind; and they proceed to say—

"We have alluded to the schools of Prussia and Switzerland as the most famous. But indeed there is scarcely a considerable State on the Continent which does not contain schools more especially adapted than the ordinary schools to the practical wants of these pupils, who have hereafter to gain a livelihood in connection with the leading industries of the country. Austria, Bavaria, Saxony, Sweden, and France are all provided with such schools. There appears to be hardly any institution of the kind in the United Kingdom. We are of opinion that Heriot's foundation offers an opportunity for establishing a school somewhat after the model of the *Realschulen*—one in which the basis of education shall be mathematical and practical to the same degree that in our ordinary secondary schools the basis is classical. Indeed we should be disposed to recommend the exclusion of classics, believing that where a classical education is given it is apt, as being the more fashionable, to oust or starve the modern instruction that ought to be given alongside of it. Some degree of acquaintance with Latin, however, would seem to be necessary. But we don't think it necessary to lay down any detailed plan for the course of instruction. It is enough to say that we think it desirable to give to mathematics, modern languages, drawing, and the sciences bearing upon manufactures, or so much of them as could be taught to lads, the greatest prominence in school curriculum. The details of organization should be left to an executive body co-operative with the governors or to the governors themselves, assisted by the best special opinions on the subject which the country can afford. We cannot doubt that scientific men and those who have made education in its various forms their study, and have considered and observed the working of technical and commercial schools abroad, would give their best assistance to carry out the proposal. So large an experiment must necessarily be expensive, for models and laboratories will be required—consequently it is to a wealthy foundation that we would assign the honour of carrying it out. While making these recommendations, we would deprecate any attempt to confine the educational curriculum to scientific subjects to the exclusion of literature; but we would suggest that successful competitors for places on the foundation who desire a purely classical training should be sent to the High School of Edinburgh."

It appears to me that the Commissioners have in these words made a proposal of



SIR WALTER BARTTELOT thought it would be wise not to press the Motion of his hon. Friend the Member for South Leicestershire (Mr. Heygate) to a division. He would not enter into the question how the Committee came to their decision. He understood that they recommended that it should be open to the Government to re-open the question where cases of hardship were pointed out, and he was glad to hear the Chancellor of the Exchequer deliberately state that the Government would act on that recommendation, and that such cases should have their favourable consideration. He therefore strongly recommended his hon. Friend not to divide.

MR. J. G. TALBOT added his appeal to the hon. Member for South Leicestershire (Mr. Heygate) not to press his Motion to a division. But he hoped the Government would take a proper view of this question, and continue to provide spiritual ministrations in those places abroad where the English laity were unable to pay the salaries of Chaplains. If Her Majesty's Government were not prepared to promise that they would deal in that spirit with this subject, he would advise his hon. Friend to insist on a division. What was felt so strongly was not so much the hardships of individual Chaplains, but the injury and neglect which Her Majesty's Government had appeared to sanction with regard to the spiritual wants of British residents abroad.

MR. HEYGATE said, that after the conciliatory speech which had been made on the part of the Government, and the promise that the matter would be considered, he would withdraw his Motion. ["No, no!"]

*Amendment negatived.*

#### ENDOWED SCHOOLS AND HOSPITALS (SCOTLAND)—REPORT OF THE ROYAL COMMISSION.

##### OBSERVATIONS.

MR. GRANT DUFF, in rising to call attention to the Report of the Royal Commissioners appointed to inquire into the Endowed Schools and Hospitals (Scotland), said: I have been anxious, Sir, to bring on, before the Scotch Members left town in any numbers, a conversation about the recent Report of the Royal Commission

on our Scotch Hospitals and Endowed Schools, with a view to ascertain how far the recommendations of the Commissioners are approved, and I should like also to learn from the Government whether we may hope next year for any legislation in the direction of the Commissioners' recommendations. This Royal Commission was appointed in 1872, and its duties were to inquire into all endowments in Scotland applied or applicable to education, with the exception of those which were reported upon by the Commissioners appointed under the Universities Act of 1858. It found that the endowments into which it had to inquire amounted to £195,000 a-year—a small sum if we compare it with the vast figures of English endowments, but still a sum which, wisely used, is capable of conferring great benefits upon a comparatively small country. Of this sum, something less than £80,000 a-year belongs to the great schools known as hospitals—hospital being used with us in the same sense as it is used in England when people speak of Christ's Hospital. Something over £42,000 are endowments in connection with elementary schools; something over £16,000 are endowments attached to secondary schools; something over £17,000 are endowments not appropriated to any particular institution; something over £18,000 is the amount applicable to education belonging to certain endowments, partly charitable and partly educational; while £22,000 are endowments given to the Universities since 1808. All University endowments given previous to that year were, it must be understood, reported upon by the Commission appointed under the Universities Act of 1858. First, then, I will say a word or two about the hospitals. For many years a feeling has been growing up in Scotland that the revenues of these institutions are not doing nearly as much good to the country as they might, and various attempts have been made to put them, or some of them, on a better footing. More especially in the year 1868 and 1869 a great step forward was made when the powerful body known as the Edinburgh Merchant Company commenced, under the presidency of Mr. James Duncan, and carried through very serious reforms. I will not detail the various proceedings in this House and out of it in connection with these and



be organized. They do not fail, however, to draw attention to another cause of the inefficiency of our secondary education. They say—

"The Act does not provide any remedy for the evil which lies at the root of the chief defects of the secondary school system of Scotland—namely, the want of endowment. Powers were given to the school boards to pay examiners out of the rates, and it may be—but this point is doubtful—to defray the repairs of the buildings. Without additional funds no effective improvement of the higher class schools of Scotland is possible, and the requirements of the country cannot be met. Provision of the amplest kind has been made by law for elementary instruction. By means of rates, Parliamentary grants, and fees, elementary schools have been, or are in the course of being, established and supported throughout Scotland. The Universities are aided from year to year with Imperial money. Large sums have been raised of late years both in Glasgow and in Edinburgh for the University buildings in these two towns, and these sums have been supplemented by building grants from the National Exchequer; and scholarships and fellowships have been established in connection with the Universities by the liberality of enlightened benefactors. But, while the elementary schools and the Universities are thus fostered by the State and enriched by individuals, the secondary schools, which ought to fill the gap between these institutions, are left to starve. Parliament has not granted them any aid, and private benefactors, who deal liberally with the Universities, forget the source that supplies the objects of their liberality."

Is this want of endowment to be perpetual? I hope not. May we not trust the time is coming when very rich men—and even in Scotland there are now some very rich men—will try to make for themselves a position in the world, by conferring in their lifetime great benefits upon their countrymen to which shall attach no ecclesiastical, or what is commonly called charitable character? Surely, there are at this moment many rich men in Great Britain extremely anxious and laudably anxious to make for themselves social positions, and not seeing their way to do so, who could do so in a year if they only turned their ambition into the channel of becoming great citizens, by using the overflow of their wealth for great national purposes. They have to face, on the paths on which they now strive to rise, the competition of many others over whom their vast wealth gives them no special advantage. On this path, however, they would and could, in the nature of things, have no competitors. Many hon. Members, I dare say, remember the story of Herodes Atticus, who spent so much of his life in

adorning Greece with magnificent works. Why should not his example be followed *mutatis mutandis* in this age of ours? If there are any such persons in Scotland, here is a field ready for them. By the expenditure of a much smaller sum than was lately given in Scotland for an ecclesiastical purpose, the whole of our secondary education could be put on a proper footing; while a sum not larger than the one I have alluded to would make our Universities all they ought to be, and enable Scotland to compete educationally on equal terms with any country in the world. But to return to the Commissioners' Report. Secondary schools being established on a proper footing, the next step should be to connect the elementary schools with the secondary schools by a system of bursaries, which should help deserving boys to step from the elementary to the secondary schools, should partially support them at the secondary schools, and be then met by the existing bursary system, which, properly re-organized and reinforced, is capable of conferring even greater benefits than it has done hitherto. Turning to the next head, that of general endowments, I am glad to see that the Commission have given most well-merited praise to the management of the Dick Bequest, a fund set apart for augmenting the salaries of schoolmasters in Aberdeen, Banff, and Moray. I suppose very few sums of money ever bequeathed for a public purpose have done so much good and so little harm. A curious contrast to it is presented by the Burnett Trust. A gentleman residing in Aberdeen left, late in the last century, the income of a portion of his property to be accumulated for 40 years in the hands of trustees, and then to be paid over to the author of the best and second-best essay on the existence and attributes of the Deity, considered under certain aspects defined by the will. This was all well as long as the amount was moderate, but in 1894 the amount divisible between two fortunate essayists will be about £10,000, which is clearly beyond all reason, and I think I may say with confidence that I and all my fellow-trustees, of whom the hon. Baronet the Member for Perthshire (Sir William Stirling-Maxwell) is one, will be very glad if Parliament steps in to point out a better method of employing a very large part of the money. With regard

to the endowments, which are partly charitable in the common sense and partly educational, the general effect of the recommendations of the Commissioners is in favour of an accurate demarcation, by Parliamentary authority, of the funds applicable to each purpose, and in favour of applying to educational purposes all those funds which from a change of circumstances can no longer be usefully employed in charitable purposes of the common kind. With regard to University endowments, the Commissioners think that bursaries in the patronage of public bodies should be thrown open to competition; that bursaries in the gift of private individuals under £10 of annual value should be combined so as to form bursaries sufficiently large to be of some practical use, and should then be thrown open to competition; while with reference to bursaries still retained in private hands, or otherwise not thrown open to competition, they consider that the Universities should be empowered to submit the presentees to an examination. If they pass that examination, and show themselves sufficiently advanced not to keep back the teaching of the University, they should enjoy their presentation bursaries; but if not, the bursaries should lapse for that term only, and be thrown open to competition. Any one who has had much experience in the working of our Scotch Universities will, I am sure, agree with me in thinking that these recommendations do not go at all too far, and I believe public opinion in Scotland will very fully support them. Personally, I think there is much to be said for the view of those among the Commissioners who wish to do away with all presentation bursaries; but if the reforms to which all the Commissioners have agreed become law, enough will probably have been done for the time. As public opinion in these matters matures, one patron of a presentation bursary after another will throw open his bursary to competition, until at last they will all disappear. In old times they had their uses, but when our schools are made what they ought to be—a real ladder to learning, a ladder up which all boys of superior merit can rise by superior merit through a system of scholarships—the use of them will entirely pass away. The Universities would probably aid their disappearance more

quickly if they adopted the suggestion of the Commissioners to exclude bursaries not gained by competition from a place in the calendar, and to substitute the word scholarship for the word bursary in describing all bursaries gained by competition. There are a variety of other recommendations, such as that the trustees of endowments should be relieved from restrictions in favour of particular names, and that restrictions in favour of founders' kin should be limited in duration by statute; that all endowed educational institutions should be inspected under the authority of the Education Department or the Universities; that the accounts should be annually audited, and a balance-sheet published; that there should be a public register of all educational endowments; that power should be given to modify the constitution of trusts, due importance being attached both to local and general interests; that powers should be given to combine small trusts, and to transfer them to school boards with the consent of trustees, and so forth. Nearly all these last-mentioned recommendations have been discussed again and again in connection with English foundations, and there are few which have not been accepted by all who take any interest in these matters from a national point of view. Such is, in brief outline, the scheme of the Commissioners for the reform of our endowed educational institutions. I have seldom had the good fortune to read any public document with which I so entirely and cordially agreed. The Commission contained prominent persons belonging to both political parties. It took an immense deal of evidence, and on every page of its Report there is proof of a studious desire to be moderate and practical, to recommend not what might be absolutely or theoretically best, but what was best under the conditions of Scotland in the year 1875. I shall be glad if, at a later period of the evening, the right hon. and learned Lord Advocate is able to say that Her Majesty's Government proposes next year to deal with this very important question in the spirit of the Commissioners' recommendations, which they suggest should be carried into effect by the usual machinery of a Parliamentary Committee appointed under an Act.

*Mr. Grant Duff*

**Mr. Mc'LAREN:** The House, Sir, certainly cannot complain of the hon. Member for the Elgin Burghs (Mr. Grant Duff); he has stated the substance of the Report of the Commissioners with great fairness and perspicuity, and I have not a word to say against any remark he made in describing it. I do not think any one would have done it better than he did; but the hon. Gentleman failed to throw any new light on the subject. He merely recapitulated the statements in the Report, and said he approved of them. He did not bring forward any new facts to show that the Report was wise and true, and he did not begin at the beginning of the inquiry. What occasioned it? As very few Members here know why the Commission was appointed, it might be well to state the facts. In 1869 the then Lord Advocate (Mr. Moncreiff) carried a Bill to enable charitable institutions in Scotland to extend their powers, subject to the approval of the Home Secretary. It was a sort of Permissive Bill for endowed institutions in Scotland. Under that Act the Merchants' Company obtained the necessary powers to re-organize their schools. Heriot's Hospital applied in the succeeding year for powers to re-organize theirs, and to extend their powers somewhat, though not to the same extent as the others, inasmuch as they had previously obtained an Act which went far in that direction. The Act of 1869 contained a power for the Secretary of State to prolong its existence for one year in the case of any school where anything occurred to prevent their wishes being complied with in the three years of the duration of the Act. The Lord Advocate for the time being thought the demand of Heriot's Hospital in the way of extending powers was beyond the spirit and intention of the Act of Parliament, and he advised the Home Secretary that he should not give effect to the wishes of that great trust. The Governors of the Hospital asked an interview with the Home Secretary, and availed themselves of a power in the Act which said that if the Home Secretary did not approve of anything in any scheme laid before him, he could strike out, or put in, or alter in any way he thought fit, and that if the parties were not satisfied with his proposals they might withdraw the scheme. The Governors of the Hospital said to the Home Secretary—"We are perfectly

willing to leave out all those things you think in excess of the powers given by statute, and to take the rest." The Home Secretary would not do that. He said it was not his business to frame a Bill for them. They then struck out what they supposed was objectionable, and went to him again to pass the amended Bill. That he declined to do. Years passed on, and when another hospital made application for an extension of one year, Heriot's Hospital asked to be put in also, but the Lord Advocate opposed this, and the Home Secretary refused to put it in. So Heriot's Hospital did not get the advantages of the powers of that Act. The Government, however, promised to introduce an Act which they thought would please all parties in another year, and accordingly they did introduce a Bill which gave extravagant powers to the Government to devise or alter a scheme in any way they thought fit, and with the provision that in whatever way the Home Secretary altered it, the parties must take his fiat and receive the Bill. This Bill was opposed out and out, and after it had been read a second time we succeeded in getting it stopped. The result was, that the parties whom the citizens of Edinburgh credited with a secret desire to get hold of the revenues of Heriot's Hospital for purposes connected with the University, and for other purposes which the founder did not contemplate, felt checkmated by these proceedings, and got the Government to appoint a Commission to inquire into the endowed schools and institutions of Scotland, with the view of gaining their objects by that course. The hon. Gentleman the Member for the Elgin Burghs has said that this Commission was composed of men of all political parties. That is literally true, but hardly true in its spirit. The inhabitants of Edinburgh were most anxious that some one man should be put on the Commission who was acquainted with the management of the institutions of Edinburgh—a man of intelligence and probity, who would look to the interests of the institutions, and be able to put the right questions at the right time, and to elicit information. Great influence was used to get the Home Secretary and the Lord Advocate to appoint one such man, and the gentleman who was President of the Chamber of Commerce at



the time was recommended. They resisted that proposal, and appointed a Commission on which there was not one man who was at all conversant with the affairs of Edinburgh. Two Edinburgh barristers were appointed, holding office at the time under the Lord Advocate, but no other person connected with Edinburgh was on the Commission, and it was, in consequence, distrusted both by my constituents and myself. There was one Conservative Member on it, and in that sense the statement of the hon. Member is correct that both political Parties were represented; but only in the proportion of one to six. I do not think that was a fair proportion. The Commission reported, and a very accurate and fair epitome of the Report has been given. The chief point in which I am interested for my constituents is that in regard to what they think and I think—the proposed misappropriation of the revenue of that great trust, Heriot's Hospital; and that I may not be thought presumptuous in setting up my opinion against the opinion of those seven able Commissioners to examine this question, I may inform the House that although there are 54 Governors of that Hospital, 13 of the city clergy, and 41 magistrates and town councillors, not one of them approves of the Report. They are unanimously against it. During the last three yearly elections to the Town Council of Edinburgh, the candidates were asked whether they would approve of such an appropriation as this of the funds of Heriot's Hospital, and without one exception in any of the wards of the city, not a man came forward who said he would approve of this proposition. Under those circumstances, I hope I shall not be thought singular or presumptuous in trying to give effect to the opinion so generally felt in the great city I have the honour to represent. George Heriot's Trust was constituted 250 years ago. In the deed of trust he said it was to be modelled on the plan of Christ's Hospital or the Bluecoat School in London; not on that school as it is now—a school for the rich and well-to-do citizens of London—but as it was then, a school for the poor in London—for the endowment of Christ's Hospital has been changed in its character as much as any endowment. In many cases of English trusts it has been found that when the Governors did nothing, the value of the

land originally left increased while they slept, and therefore they deserve no credit for any increase in the revenue. The improvement arose from circumstances beyond their control. But it was very different with the managers of Heriot's Trust. He left no land, but some houses in Edinburgh, and money, which he authorized them to invest in whatever way they thought fit. They sold all the property he had, and bought other lands from time to time as they came into the market. The whole money he left was about £23,000 and the revenue of the Hospital now is about £20,000, so that the yearly income, entirely owing to the good management of the Trustees, and not to any peculiar circumstances, is nearly equal to the original sum, and out of the original sum the beautiful building, the Hospital itself, was erected. About 40 years ago, it was found that the revenue was nearly £3,000 in excess of the requirements of the institution, and I think I can say, from having been then a Governor, that the surplus was not always wisely spent. There was an inclination to spend it in ornamental embellishments. A motion was made for the Governors to endeavour to get an Act of Parliament to apply the surplus in establishing out-door schools as nearly as possible in the spirit of the original document, which was "to provide for the maintenance and education of poor orphans and fatherless children." But Heriot left power to a gentleman, afterwards Dean of Rochester, to make the constitution such as he thought fit, and the Dean left out the words "fatherless children." Therefore, the trust stood for 250 years for poor children, being the sons of burgesses in poor circumstances, whose parents were not sufficiently able to maintain them. The Trustees applied to Parliament for an Act to enable them to establish out-door schools. Their wish was that the original institution should be kept up to the original extent as to the number of boys, and that the surplus should be applied to the out-door schools, under the careful nursing of the Governors. Thirty-nine years ago, one school was created; another, and another, and another followed, as the funds increased, until now there are 16 in existence, and other four are being erected. Upwards of 4,500 children are now receiving an entirely gratuitous education in these schools, in addition to keeping up every-

thing that the original founder desired to be kept up. [An hon. MEMBER: Including the maintenance?] No, I speak of out-door schools; the maintenance only applies to the children in the Hospital. The Governors, by the Act, did not seek to extend the principle of seclusion and maintenance; there was plenty of that already provided in the city. They preferred to establish schools to take the children in simply for education, believing that in that way they could do many times as much good as could be done with the same sum of money in any other way. That Bill was keenly canvassed in both Houses of Parliament. Six Petitions were presented against it in the House of Commons by trades and corporations and other parties who thought themselves interested, and five Petitions in the House of Peers. Considerable Amendments were made in the Bill, particularly in the House of Peers, one of them to the effect that the Dean's statutes was to be read as equal in authority with the terms of the will. I mention this circumstance because of a direction in the will that no arrangement should stand which was contrary to the spirit of the statutes; and it is contended in the Report that the omission of the words "fatherless children" was a mere clerical blunder, notwithstanding that the Dean went down to Edinburgh to consult the local authorities, and there came to the conclusion that there were not a sufficient number of fatherless children of the class requiring to be provided for. Then it is said in the Report that the University of St. Andrews, having a residuary interest in the funds of the Hospital, was not aware of the Bill being before Parliament. The old system of Committee of the House of Commons was in existence at that time. Scotland was divided into two or more districts, and one Committee, called the Eastern Committee, included the Members for St. Andrews, Fifeshire, and all the neighbouring burghs, and for counties on the East of Scotland. To that Committee the Bill was referred, and if St. Andrews supposed it was interested, there was no difficulty in moving in the matter, but they never made any application. The Governors appointed by Heriot were every minister of the Established Church in Edinburgh, and every member of the Town Council, and he gave solemn in-

junctions in his will, which were repeated in the Dean's statutes, that an oath should be taken by each Governor on entering upon office, that he would never try to alter the terms of the Trust in any way whatever; and there was a condition that if they did not carry out the will, the trust should be forfeited to the University of St. Andrews. That is what the Commissioners call the residuary interest. Who can imagine that St. Andrews has an interest of any kind whatever? The Governors have not only done all that Heriot desired, but they have so administered the trust as to produce results conferring an incalculably greater benefit on the community. The Commissioners are not disposed to let well alone. Whatever may be said of the monastic character of the Hospital, one would suppose that schools so well-established, and which have done so much good, would escape any changes such as might visit others not so successfully administered. The Commissioners admit that these are the best schools in Edinburgh, and there are many still higher authorities as to their excellence. Those schools are free. Every child costs about 30s., and therefore every poor mechanic's son in effect gets a bursary of 30s. a-year. The most necessitous children are admitted, judging from the income of the parents and other circumstances. The advantages are such, the Commissioners state, that there is a great pressure to get in, and a great fear of being put out. The attendance is better than at any other schools in the kingdom, and it may interest hon. Members to know what is the talisman which brings about that result. Rules were made at the establishment of the first schools that when a child was absent, the teacher or his deputy must go and ascertain the cause each time, and if it was found that a child was absent three times without proper cause, his name should be struck off the roll. That is the only compulsion applied; there is a moral compulsion, and that is found quite sufficient to fill the schools, and to keep them full, and to do a great deal of good. The result is that of every 100 children on the roll there are always 89 or 90 in attendance. The Edinburgh School Board have established many schools, and I find from their Report, which I read in the newspapers a few days ago, that the



average attendance at their schools is only 73 out of every 100, the absentees being 27 per cent, as against 11 per cent at Heriot's Hospital. We see how well these work, and yet the Commissioners cannot let well alone, but insist on fees being charged at least to the extent of those who are willing to pay—and of that number they assume there are two-thirds. They say—“If you charge fees, you can get a grant of £2,600 from the Privy Council, and as much, or more, from the children's pence,” and therefore they strongly recommend that course to be adopted. They are also strongly in favour of the establishment of bursaries, and of giving advantages to the University, and extending the benefits of the institution beyond the limits of the City of Edinburgh and the neighbourhood, to which they are now confined. Now, all that is fair matter for discussion, but for my part I do not see where the principle, if you once begin to act on it, is to end. One would have thought the Commissioners would have gone to the towns where nothing has been done, and call on those towns to open up their schools as the Merchant Company of Edinburgh has already done, but they do not ask that. All they ask is that Edinburgh should be deprived of its remaining advantages. They forget that there are large bequests at Aberdeen, Glasgow, and other places—larger even than that of Heriot's Hospital. There is the Ferguson bequest of about £16,000 a-year, extending to four counties in the West of Scotland. Why do not they recommend that the advantages of that bequest should be opened up to all other counties? Why not recommend the opening up to other districts of the Hutcheson bequest in Glasgow, which is larger than Heriot's? There appears to me to be no principle in their recommendations. Carrying the illustration still further, look at Oxford and Cambridge in England. If it is a wise thing to seize on the funds of a great institution in Edinburgh; if that is a principle which is to receive the sanction of Parliament, why would it not be right to seize on the property of Oxford and Cambridge and apply it to the University of Durham, Owen's College in Manchester, and similar institutions in England? Once admit the principle of spoliation—for such, without meaning any disrespect to the

Commissioners, I venture to call it—if you once admit that principle of confiscation where are you to stop? Then, in regard to bursaries, which the Commissioners think so exceedingly advantageous, a good deal has been done in that way already. Edinburgh has between £6,000 and £7,000, and Glasgow between £7,000 and £8,000, and the other Universities have also considerable sums. The thread running through the whole of the Commissioners' Report is that University education is the one thing needful, and they seem to complain that only two boys have been sent to the University from Heriot's Hospital each year; but the fact is, they do not want to go to the University—they want to learn trades. There are already a much larger number of University students in Scotland in proportion than in England. In the Scotch Universities, after deducting the English, Irish, and other students, there are about 4,000 Scotch students. If there was the same proportion of University students in England their number would be 26,000, whereas, I believe that, taking both Oxford and Cambridge, there are fewer than 5,000; so that Scotland, in proportion to its population, has five times as many University students as England. Yet it is implied all through this Report of the Commissioners that University education is the thing neglected in Scotland. It appears to me that Edinburgh, where there is so small a population engaged in trades and manufactures, is the last place in the country where the Commissioners should propose to try such an experiment as they suggest, for establishing a large technological school on the German model at the expense of Heriot's Trust, with any chance of success. Why should not they have tried the experiment with Hutcheson's Hospital at Glasgow—a city where it might have borne fruit, instead of in the more sterile soil of Edinburgh? The Commissioners place great value on University education; they are probably all University men themselves, and their opinion is no doubt entitled to respect; but still their opinion does not seem to be shared by the large towns of England and Scotland. I have looked at the biographies in *Debrett's* of the Members for five large boroughs in England, and I find that out of 14 Members, only one describes himself as having



had a University education. Looking to the Members for four of the large burghs in Scotland, I find that one graduates at Aberdeen, one in Dublin, three simply say that they were "at Universities"—one of them abroad—and three had not been at Universities at all. Those facts go to show that the electors of our large cities and towns do not value University education quite as much as the Commissioners do. They think men are quite equal to their duties even in Parliament, although they have never had the advantage of a University training. I find, too, that the same thing applies to the Judges of the Superior Courts in England. One would naturally suppose they had all been educated at Oxford or Cambridge, but I find that is by no means the case; nearly one-half of the Judges, both in the Courts of Chancery and Common Law, never having been at any University. If, then, men are good enough to be Members of this House, and Judges holding the highest position in the land, without having been to a University, surely it is unreasonable to urge that all the poor lads in Heriot's Hospital ought to get a University education, or be disparaged if they do not. They cannot afford to spend the years necessary for a University education, even if all their fees and maintenance were paid for, unless they intend to follow one of what is usually called the learned professions. The Universities are very good in their way, but the cry in their favour may be carried too far. The Commissioners object to poor people being, what they call, pauperized by having a free education given them; but are not the bursaries and prizes given for the Universities sufficient both to clothe and educate the students who obtain them. Does that pauperize them? And, if not, why should you say it pauperizes poor children to have a free education, without food or clothing, if it does not pauperize the richer classes? The Commissioners do not approve of giving benefactions to particular names. There was a gentleman of the name of Maclean who recently left about £16,000 to establish a benefaction for boys of that name. I say that if they do not think it right to give the benefaction to the name of Maclean's only, they ought to give the money back to the heir-at-law. Parliament should never decide that benefactions should not be applied for the

purposes and in the manner intended, so long as it is a legal and useful purpose. There are several rather wild statements in the Report, one of which relates to the expenditure. The Commissioners find fault with the expenditure; but the expenditure has not been made out fairly. It is just like some hon. Member asking what the expenses of the regiments of Guards in London are, and in making up the account to put in the whole expenses of the staff in London, and say that that is the cost. Heriot's Hospital has a superintendent of works, clerk of works, treasurer, law agents, and all those officers; and their salaries and outlay for repairs are all put down in the return of the expenditure. I contend that in every estimate showing the cost of education all the salaries paid to the officers I have enumerated ought to be deducted. Then the Commissioners appear to think that Heriot's Hospital was meant for boys who were to be of rather a better class than the present inmates; and, in support of this view, they refer to the requirement that they ought, at certain stages, to attend the Grammar School. If they had looked to the records of the Town Council they would have found the Grammar School of Edinburgh was the only school in Edinburgh at a time when trade guilds and similar combinations were rampant, and when it was strictly forbidden for anyone to open another school in competition. I have already adverted upon one chief matter, and I will just say another word or two—without intending to disparage the Report in any way—about the open competition for bursaries. It sounds well, and it would also be very well if the open competition was among persons in equal circumstances. It is then the best possible means of selection; but if you have to draw into competition raw young lads who have never been at good schools with those who have had superior advantages, then I answer that it is not at all a good mode of selection. The son of a poor man has not had the advantage of being at a first-rate school. The sons of wealthy men have had the advantage of good schools and private tutors. If you send the sons of working men to compete with the sons of well-to-do men for bursaries, with a view to entering a University, this is not fair competition. George Heriot was most particular in imploring the

Governors of his Hospital never to devote any of his funds to any other purpose than that for which he meant them—to support poor orphans and fatherless children, or children whose parents were not sufficiently able to maintain them. A poor man with 30s. a-week, I should say, is not sufficiently able to maintain them—probably one child would get to school, but all would not get a sufficiently good education, and Parliament could not do a greater wrong than sanction those principles of confiscation which, I venture to think, are contained in this Report.

MR. RAMSAY said, it was not necessary for him to waste time in alluding at length to the subject before the House; but he could not refrain from taking the opportunity of expressing his satisfaction that a Gentleman so well able to judge of the merits of the Report to which allusion had been made, should have expressed approval of its terms, and approbation of the general recommendations of the Commissioners. He had the honour to serve on that Commission, and he felt it a high honour to make an inquiry of which he hoped the result would be that they would obtain for the poor the advantages of instruction in the higher branches of learning, which appeared to be denied to them in the present state of education in Scotland. He regretted that what was stated by the hon. Member for the Elgin Burghs had not been concurred in by the hon. Member for Edinburgh (Mr. M'Laren). The Commissioners never expected that recommendations so general, and affecting so many different interests, could possibly be received by everyone, without leaving room for difference of opinion. There was room for differences of opinion on many points of the recommendations, but they certainly did not expect that objection would be raised by anyone interested in Heriot's Hospital. The hon. Member for Edinburgh had complained that the Commissioners were not sufficiently informed of the state of education in Edinburgh. He (Mr. Ramsay) thought that came with an ill grace from the hon. Gentleman, seeing that the Commissioners wrote him a polite note, asking him to give evidence before them on the subject of inquiry. The hon. Member declined—on what grounds was not stated, except that he

might have thought the Commissioners were not properly qualified, and were not capable of judging of the interests of Edinburgh. That might be so, because he could not think that the hon. Member would have refrained from giving evidence solely on account of not getting the Gentlemen appointed on the Commission whom he thought ought to have been there. He (Mr. Ramsay) must repeat that he could not possibly have expected that anyone interested in Heriot's Hospital would have raised objection to the Report. He arrived at that conclusion because the Governors of Heriot's Hospital themselves submitted a scheme to the Home Secretary in 1870, in which they really asked to obtain powers to do all that the Commissioners recommended should be done in regard to that Hospital. He had a copy of the scheme, and he had been struck with the fact that the recommendations of the Commissioners were in strict accordance with the proposals of the Governors of Heriot's Hospital, and he could not, therefore, comprehend what change of opinion could have come over that body, to induce them to send Gentlemen to spend some hours in the Lobby of that House, lest the action of the hon. Member for the Elgin Burghs should result in something detrimental to the interests of Heriot's Hospital and education in Edinburgh. It would only occupy a few minutes to go over all the recommendations *seriatim*, and place them in contrast with the scheme proposed by the Governors of Heriot's Hospital so recently as 1870. The first recommendation was that the charitable foundationers should be boarded out in respectable families. The Governors in their scheme proposed there should be a grant conferred upon them, and that they should have power, if they deemed it expedient in order to render the funds of the Hospital of greater benefit, to board out foundationers with persons approved of by the Governors. The second recommendation of the Commissioners was that the Hospital School should be thrown open as a day-school free to all. The Governors of Heriot's Hospital had also asked to have that power. The Commissioners next proposed that a considerable proportion of the places in each foundation should be thrown open to competition among boys, with a view to technical instruction. The Governors

Mr. M'Laren

asked for the same power in their scheme. In the next case—that of pupils paying fees, it was provided that a sufficient number of places should be reserved for necessitous cases. Was there anything there to exclude the poor? Nothing could be further from the desire of the Commissioners than that the interests of the poor should be in any way neglected. The scheme of the Governors also provided for a system of education where fees could be charged. Therefore, he did not see what objection the hon. Member for Edinburgh should have to the recommendations of the Commissioners. With regard to higher instruction, the hon. Member had taken special exception to the proposal that technical schools should be opened, because he believed there was no demand for such instruction. Why did the Governors propose they should have that power conferred upon them? They not only recommended higher and secondary schools to be called “George Heriot’s intermediary schools,” but they would give technical education and instruction in modern languages. How then was it possible for the hon. Gentleman to object to the Commissioners’ Report? The hon. Member took an active part in promoting the reforms in 1836 which induced the Governors of Heriot’s Hospital to open the elementary day-schools which were now in existence. The Commissioners’ Report also gave effect in that direction, and he could not explain how the hon. Gentleman, accurate as he usually was, should have asked them to believe the Report was not beneficial to the public, when there was not one word in the Report to countenance such an idea. [Mr. M’LAREN: Charging fees.] He had already stated that in the Governors’ scheme fees were to be charged. Not only that, but the working men of Edinburgh came before the Commission, and said they preferred to pay them, therefore if the hon. Gentleman had been on the Commission he must have concurred in the recommendation. He did not feel—and he was sure the hon. Member did not feel—that they could do enough for the poor by providing a merely elementary education. That was not the Scottish idea of education at all—it was that the poor should get an education in the higher branches of learning. He was astonished to hear the opinion expressed

that elementary education was all that ought to be provided. [Mr. M’LAREN: I never said anything of the kind.] He certainly understood the hon. Gentleman to deprecate anything like the higher education. He was quite satisfied, however, with that disclaimer, and he thought he had said enough to satisfy the House that the recommendations of the Commissioners in their Report were quite in accordance with the wishes of the Governors of Heriot’s Hospital as expressed in their scheme in 1870. Nothing in the Report would tend to injure the institution; but he thought if the power were conferred on the Governors of carrying out the recommendations it would be a great blessing to Edinburgh, and to the people of Scotland. As to the cost of the Hospital system, the hon. Member had said that in reckoning the cost of each child, they had included the general expense of the administration. [Mr. M’LAREN: The salaries.] It was a point on which he thought the hon. Member was mistaken, and the hon. Member would perhaps allow him to say that probably he had not read the Report with the care which it might be expected he would have bestowed upon it. The net amount expended on the maintenance and education of the children was the basis of the calculation, and anyone who would refer to the Report would find that that was correct. He would urge upon the right hon. Gentleman the desirability of the Government taking the subject into their very serious consideration, in order to do something to make the application of the funds of much greater use than they had hitherto been. His conviction was that by means of those funds, which were very great in the aggregate, they might confer upon the people of Scotland, not the elementary education, which was already provided by statute, but place within the reach of the poorest that higher education which, as he had said, was the ideal of what constituted education in Scotland, and which was at any rate the ideal of the founders of the Scottish school system.

MR. J. W. BARCLAY said, that this was a much wider question than one affecting a single institution, and as one having had some experience with regard to the endowments of the town and county of Aberdeen, he wished to



express his concurrence very largely with the Report of the Commissioners. Throughout the North-Eastern districts of Scotland there was a very high system of parochial teaching, and he thought that the success which had attended many of the young men from Aberdeen and that district was due to the beneficial effects of inducing high-class teachers to accept appointments in the parochial schools. No doubt, that money had been exceedingly well applied, and had been productive of the highest results, and he did not quite agree with the hon. Member for the Elgin Burghs (Mr. Grant Duff) who said they had no secondary schools in that part of Scotland, because it was a fact that many of the pupils in those parochial schools got a good secondary education, comparatively speaking, went directly from them to the Universities, where they achieved great success. He agreed very much with what had fallen from the hon. Member for the Falkirk Burghs (Mr. Ramsay). He thought that in these endowments they had ample funds to provide secondary education. He knew the anxious desire in Aberdeen and in Scotland generally to utilize the endowments, and he found the sum of money which might be fairly and well applied to the secondary schools was ample for all useful purposes; but as matters stood he was afraid there was a considerable risk of a secondary education falling through between the elementary and the University education. As regarded University education, a strong feeling existed that it did not provide the education which it was necessary for young men entering the world to have, and that the popular element should have greater power in deciding the curriculum of the Universities. At present the University curriculum was based very much on the ideas current 100 years ago, and young men were practically bribed to go in for a University education, which, having obtained, they did not know very well what to do with. It would be very much better if the education comprised what was now necessary for an educated gentleman; but, practically, the curriculum of the University was confined to the ancient, to the almost total exclusion of modern, education. But that was rather apart from the questions under discussion. He merely wished to state that,

*Mr. J. W. Barclay*

so far as the University of Aberdeen was concerned, he believed that the curriculum there, and also the curriculum at other Scottish Universities, was such as did not command the general confidence of the public. It was not what the general public desired. With regard to the endowments in Aberdeen which were referred to by the Commissioners, he would support the views of the Commissioners from his own acquaintance with the abuses which existed at present in regard to them. Where the endowment had been confined to the nearest of kin it turned out in this way—two or three generations back the nearest of kin was ascertained to be a certain child, and then the descendants of that child continued to lay claim to the endowment as the nearest of kin, and thus abuses grew up. Again, as regarded the endowments which were confined to certain classes—for instance, take the case of the sons of burgess of guild. Certain endowments were strictly confined to what were called sons of decayed burgesses, but he knew that cases had arisen where there were no sons of burgesses answering that description, and although the Town Council had desired to bestow the bursaries in accordance with the intention of the founder, there were no students qualified. He thought it right to state with regard to one important endowment in Aberdeen, that of late years the Trustees had taken a much more liberal view of the deed of foundation, and instead of restricting the benefits of the institution to the sons of burgesses of guild as heretofore, had liberally construed the provisions of the deed in favour of the sons of necessitous parents. He thought that showed the desire on the part of the Trustees to go forward in the direction of the views of the Commissioners. He therefore hoped that the Home Secretary and the Lord Advocate would take into consideration the propriety of bringing forward a Bill which would freely give to those Trustees the power to liberalize those endowments in accordance with the views and the wishes of the public. Considering that the Trustees were almost in every case elected representatives of the public, they would not move farther in straining the views and the opinions of the testator than public opinion warranted.

He could not agree with the opinion and the statement with regard to confiscation that had been uttered. He thought the sound view to take in regard to the endowments was this—that the founder was sincerely actuated by the desire to apply the money to the purpose which would do the greatest amount of good in a particular direction to his fellow-citizens. The principle, therefore, which ought to guide them in dealing with the endowments was to apply them in such a way as would lead to good and not harm; to apply the money in the most advantageous manner under the circumstances of the present time, and see that it was really productive of good, and not of harm, which could not have been the object of any pious founder.

SIR EDWARD COLEBROOKE said, that, as a Member of the Commission, he was not unprepared for some exhibition of local prejudice or claims in the case of endowments which it was proposed to open up and extend. But he owned he was surprised at the opposition which he very much regretted had been offered by his hon. Friend the Member for Edinburgh (Mr. M'Laren) on this occasion. Generally, the Commissioners had every reason to be satisfied with the reception their Report had met with. It had been received with cordial approbation; and a general desire had been expressed to see its principal recommendations carried into effect. He was, however, aware that, judging from the past, they might meet with some special difficulties when they applied their principles to that part of Scotland which his hon. Friend below him represented. He utterly denied that the Commissioners had in their recommendation drawn any distinction between the principles which they had applied to Heriot's and to Edinburgh and the rest of Scotland, but they had proposed principles which they thought would be beneficial to the whole country. He had not disguised from himself the doubt that the remedies formerly proposed might not yield the fruit expected from them. In the first place, they would only be operative in a limited number of institutions; again, there was the difficulty formed by the unwillingness to part with power. In saying that he was happy to say that the effort made by the late right hon. and learned Lord Advocate (Mr. Moncrieff), in passing a

Permissive Bill giving facilities for the reform of these endowments, had been very liberally responded to by some of the leading institutions in Scotland, and it was much to be regretted that the progress of that reform had been checked by the opinion of his successor (Mr. Young); indeed, but for his interposition, many of those institutions would have been reformed, and would have conferred great benefit upon Scotland. He was surprised that his hon. Friend the Member for Edinburgh should have made the application of the funds to elementary education the text of his speech. He (Sir Edward Colebrooke) believed Edinburgh derived the greatest benefit from those schools; but he thought that the testimony which they had received from the Trustees of Heriot's Hospital fortified the conclusion at which the Commissioners arrived, that the time was come when indiscriminate gratuitous education should cease. That was the principle they proposed to apply to these schools. They thought they should stand like every other school, and in laying down that principle they laid down one which they were prepared to apply generally. With regard to that part of the question which referred to competition, he thought that the more they could spread competition the better it would be for the cause of education, and for the institution they wished to support. This principle they were prepared to apply generally. They thought that, as far as possible, consideration should be shown for the wishes of original founders, but at the same time they held that the Legislature had a right to see that such institutions conferred the greatest benefit on the greatest number. There was one point on which the Commissioners were entirely at one, and that was with respect to the claims of secondary education. Scotland, while rich in endowments, and while possessing Universities which opened their arms widely, was more poorly supplied with secondary schools than England or almost any other country in Europe. Here there was a great field open to the Government. If they took this matter in hand with the view of seeing how far they could carry the recommendations of the Commissioners into effect, they might confer the greatest benefits on Scotland, without in any way shocking the feelings of the people or going in advance of public opinion.



Above all, it was the object of the Commissioners to recommend what was practical, and to endeavour that those fine revenues might be so applied to the wants of the people, that Scotland would take her place in the front rank of the educated nations of the world. In that view, the duty of the Commissioners was to consider, not merely what would meet the popular case at the moment, but to lay down broad rules that would meet with general support. Whether they had succeeded or not, it would not be for the House to say; but, at all events, they had discharged their duty conscientiously.

Mr. MAITLAND hoped that he would be allowed to address the House for a few minutes, for the question was one of great importance to Scotland, and it seemed to him that if the Government were to take the recommendations of the Royal Commissioners, the result would be to embroil the country in a great deal of mischief. He must say for himself he totally disagreed and dissented from the Report of the Commissioners, and he would explain why he did so. In their final Report the Commissioners recommended that the Government should cause an Act to be passed for the appointment of an Executive Commission to deal with all the endowed schools in Scotland according to the recommendations of the Department. He (Mr. Maitland) objected to the appointment of any Commission, and he had the greatest possible objection to the specific recommendations contained in that Blue Book. His objections were two-fold. In the first place, all the recommendations contained in the last few pages were so vague and ambiguous, that he could imagine the two Commissioners endeavouring conscientiously to follow them out might come to diametrically opposite opinions. He thought that the House should more clearly understand what these recommendations were before they appointed a Committee to carry them out. Moreover, it seemed to him that from beginning to end of the Report there was something like a misrepresentation of the hospital system. An hospital was really nothing more than a public school for the poorer classes. It was like Eton, Harrow, and Rugby, with this difference—that it was a school for the education and maintenance of the poor, or orphans; and children of per-

sons in such crippled circumstances that they could not provide for the education of their families. In that Blue Book every possible objection was urged against the system, and he would show how groundless many of the objections were. The boys maintained in the Hospital were all from 7 to 14 years of age, and yet from beginning to end of this Report the system was branded as the monastic system. That was the way it was sought to prejudice people against it. Why, the children in these hospitals saw more of their parents than the children of any public school in either England or Scotland, and yet it was called the monastic system! He could only say that this was a deliberate attempt to mislead the people of Scotland. The expression occurred 20 or 30 times, and there was not the shadow of an excuse for it. The Commissioners were tonight maintaining that the opposition to their scheme was all local prejudice, and when the hon. Member for Edinburgh got up and objected, he was pick-pooched, and the House was asked to believe that there were no solid arguments against the scheme. Another objection taken to the hospitals was that the children were brought up in a style of life for which they were not suited. He did not think that was a good objection, and he held that they should carry out the intentions of founders, unless there were some strong reasons for disregarding them. So highly was the system thought of in Scotland that £80,000 or £90,000 had been devoted to an hospital for the maintenance of children of a better class, for Fettes College was nothing but an hospital for the better-off classes. He would not follow the speech of the hon. Member for the Falkirk Burghs (Mr. Ramsay), but he would say this, that before they attacked such a system as this which had existed so long, and had done so much good, they must have some good object in view to which the revenues could be applied. And what was the object in this case? Every sort of proposal—some of them most preposterous—had been made in regard to the hospital. One was to found a school of technical education, and another to found a Chair of Paedutics. He trusted that the Government would not accede to the recommendations of the Commissioners.

*Sir Edward Colebrooke*



MR. MACDONALD said, he wished to say a few words in support of the view which had been expressed by the hon. Member for Edinburgh (Mr. M'Laren) on the subject. He (Mr. Macdonald) was disposed to go as far as any hon. Member in that House in favour of securing secondary education in Scotland, and he thought that the time had come when an effort should be put forth for that purpose. But while he desired to see a technical education given at every large centre of industry in the country, he would not consent to that object being attained by despoiling any institution of funds which had been left to it for a totally different purpose. There were institutions in Scotland, and notably the one to which the hon. Member for Edinburgh had referred, which were designed by the founder for the purpose of educating the poor. He had read carefully the Report of the Commissioners, and found that they admitted that this institution was carrying out almost to the letter the object of its founder. If that were so, and if there still remained poor children in Edinburgh to be educated, he ventured to say that if that House attempted to apply the endowment to any other purpose, it would be depriving these poor children of their birthright, and of the benefits which the founder designed to confer upon them. He went further, and said that he did not believe in confiscating or diverting from their original uses the endowments which, either in the Middle Ages or in modern times, were left by persons for good and pious purposes. He was convinced that if the Legislature should take the course of laying ruthless hands upon the revenues of institutions of this kind, they would dry up in a large degree, if not altogether, the feelings which prompted benevolent persons to leave these benefactions, and to do away with that public sympathy which was one of the characteristic features of our times. He entered his strong protest against any interference with these institutions. If any mal-practices were alleged, by all means let an inquiry be instituted; but he trusted that the Home Secretary and the Lord Advocate would deal with this subject in the spirit of maintaining these institutions for the purposes and objects which their founders had in view, and would not, either now or at any other

time, allow ruthless hands to be placed upon them.

MR. LYON PLAYFAIR said, he must confess that he had been much taken by surprise by the remarkable Tory speeches which they had heard from that—the Liberal—side of the House. The hon. Member for Stafford (Mr. Macdonald), whom he knew to be zealous for education, had spoken as if the question were a new one, and did not appear to be aware that the subject of these endowments had been exhausted by the fullest inquiries, by not a Scotch Commission merely, but also by a great English Commission. The hon. Member asked that all endowments should be kept to the most pious purposes for which the founder originally intended them. He would keep, for instance, the large endowments that they possessed in London for liberating English captives from Barbary—a most pious intention of the founder, whose money had swelled to gigantic proportions. But now there were no English captives at Barbary to be released. Yet that pious foundation must be preserved according to the principles of his hon. Friend. There was another foundation for killing lady birds in Cornhill. Would his hon. Friend wish that the will of the founder in that instance should be perpetually kept, and not dealt with according to the wants of the time? Such views were so old that he had not believed that there was a person in the House who would have advanced them. The hon. Member for Kirkcudbright (Mr. Maitland) spoke of the hospital system as if it were a system for which the Scotch people had the greatest admiration. Why, the reason that this Commission had been instituted at all was that the Scotch people were perfectly convinced that the hospital system had failed. ["No, no!"] Was it not the Trustees of these endowments who themselves had come to that House with schemes for the reform of the hospital system. The Edinburgh Merchants' Company had abolished the hospital system, and made great day-schools. The Governors of Heriot's Hospital, if they had not abolished, had largely modified that system. When the Scotch people had ascertained that there were no fruits of that system, that the children educated under it never attained distinction, they applied to that House, and asked them to change the

system and make it useful, and that was what the Commission had most laboriously inquired into and had furnished them with admirable plans. The hon. Member for Kirkcudbright said that hospitals were mere schools like Eton or Harrow. Why, then, had they been productive of so little fruit? Every parish school in Scotland could boast of its distinguished scholars. How came it that these Scotch hospitals, with all their wealth, had none to boast of? He was an older educationalist than the hon. Member for Kirkcudbright, and he thanked the Commission for the admirable Report which they had made, in which ample care was taken of the poor. What was the change which they desired to see? It was this—Edinburgh, as the metropolis of Scotland, had got an enormous acquisition of wealth in regard to these hospital foundations. It had got this great wealth, not because it was Edinburgh, but because it was the capital of the kingdom; and was the hon. Member for the City of Edinburgh to be the person to ask that House to treat Edinburgh as a small locality, and not as the metropolis of Scotland? Why, did it not add to the dignity of Edinburgh if it were made the metropolis of education as well as the metropolis of Scotland. The Commissioners recommended that Edinburgh should be made the metropolis of education in Scotland, and that these enormous foundations, which had come to it because it was the capital of the kingdom, should not be limited to Edinburgh alone, but extended to the whole kingdom.

MR. M'LAREN: What foundation has Edinburgh got, because it is the capital of the kingdom? I know of none.

MR. LYON PLAYFAIR: Heriot himself left it to Edinburgh because it was the capital of Scotland, and what he said was this—"If you don't fulfil the purposes of my foundation, it shall go to another place." He said that the Governors of the Hospital had never fulfilled the literal terms of Heriot's foundation, and it was because they had not done so that Scotland was grateful to them. They had enlarged the terms of the trust, as they found there was occasion for it, and the schools spoken of as "Heriot's" might be called "M'Laren's schools," because there was a celebrated Lord Provost, now one of

the Members for the City of Edinburgh, who instituted these schools. It was because Heriot's views had been altered to suit the wants of the time that this trust had done good outside its hospital system. It was in order to still further enlarge that trust that the Commissioners had made the recommendations which had been brought under the attention of the House. There had been remarks made about the Universities of Scotland, which answered themselves. For instance, the hon. Member for Forfarshire (Mr. Barclay) said he did not think they suited the wants of the people at present, and therefore the Commissioners recommended too much when they desired to promote the existing objects of those Universities. But that was answered by the hon. Member for Edinburgh, when he said that they educated too large a proportion of students in proportion to the population, so that they obviously possessed the confidence of the people. He hoped the Lord Advocate would tell the House that he appreciated this Report as highly as he (Mr. Lyon Playfair) was sure the large proportion of the population of Scotland did; that he would be willing to adopt the moderate views which were expressed in it; and that he would enable them by an executive Commission to carry out the recommendations somewhat after the manner in which action was taken by the Schools Inquiry Commission in England. If he did so, he would confer a great benefit upon Scotland, and promote very largely the education of the people.

THE LORD ADVOCATE: I was very glad, Sir, that the hon. Member who opened this discussion (Mr. Grant Duff) said he was about to originate a conversation on the question, and that he would not conclude with any practical Resolution. I think his object has been amply served by the discussion which has taken place, with which I trust the House will be satisfied. I agree with other hon. Members that the question is not quite so clear as the Commissioners, by the terms in which they make their Report, appear to think it, and that there are difficulties connected with the subject. I am glad the hon. Member did not conclude with any Motion, because I have not been able to give that consideration to the matter which its importance demands, nor has my right hon. Friend

*Mr. Lyon Playfair*

the Secretary of State, owing to the pressure of other Business. All I can say is, in answer to the remarks of my hon. Friend the Member for Edinburgh (Mr. M'Laren), that during the Vacation we shall take the opportunity of most seriously considering the terms of the Report. I can give no pledge as to what our decision shall be, because I have not studied the evidence sufficiently to offer an opinion, and it must be evident to all hon. Members that there are considerable difficulties about the question. At the same time, I am certainly anxious that something should be done for the benefit of the secondary schools in Scotland. Nobody can be more desirous, than I am that that should be done, and it may be remembered that I proposed an Amendment to the Education Act of 1872, the object of which was to secure for the secondary schools all contributions which had been previously given from corporations and other sources to parish or burgh schools for the purpose of higher education. But, anxious as I am to see secondary schools established and supported in a better manner than they are at present, we must be very careful indeed that we do not infringe the supposed rights or the actual rights of persons who are interested in particular localities in regard to the funds which have hitherto been devoted to them. We shall very likely encounter prejudices which may throw obstacles in the way of carrying out even the more moderate recommendations of the Commissioners. But, with a sincere desire to do what we can for the purpose of improving the secondary schools in Scotland, we shall consider fully the recommendations and the evidence, which I confess I have not yet done. I have certainly read the Report, which is a very long one, but it requires that we should apply our minds to it more thoroughly before arriving at a decision; and meanwhile it would be wrong of me, regarding the matter rather in my judicial capacity, to express any strong opinion either for or against the terms of the Report.

MR. E. NOEL trusted the Government would not hastily adopt the recommendations of the Commissioners, however good they might be in themselves, because he conceived they had no right to interfere with the will of the founders of charities so long as they were

not detrimental to the public interests. He wished to speak especially in regard to Heriot's Hospital. The Commissioners in their Report adduced in support of their recommendation, the evidence of Dr. Bedford, who in 1862 had written a paper which was read before the Social Science Congress. The evidence given by Dr. Bedford before the Commissioners, and which was quoted in full in their 1st Report, was also mentioned in the 3rd Report. Dr. Bedford was asked the question—

“Do you to a certain extent hold the opinion that in these institutions, the children are of less intelligence than in other schools?”

To which he replied—

“Yes; I stated that at the time with the view of considering whether it was correct or not, but I have no hesitation in saying I believe it is substantially correct. It was Heriot's Hospital with which I was familiar.”

But the Commissioners, in their last Report, had omitted to add a most important addition which Dr. Bedford made to that answer—namely—

“I have modified my opinion since then in respect to Heriot's Hospital, because new arrangements have been introduced into that institution.”

He (Mr. Noel) was quite ready to acknowledge that if the founders of those educational institutions had directed anything wrong in the application of their funds, that House would be perfectly justified in taking some steps in the matter, but nothing of the kind could be shown in the application and working of the endowments. He therefore contended it was neither right nor proper to so alter the original intention of the founders as to expose Heriot's schools to changes that might endanger the best interests of the large number of children that were receiving a good education on its foundation. No one could doubt that Heriot's Hospital in Edinburgh had within the last few years been effecting great good; and how could it be justified that a school that was imparting the benefits of education to 5,000 children in a much more effective manner as regarded the compulsion than the school board schools, was to be interfered with on the Report of the Commissioners, and to have its funds diverted. The Commissioners, according to their Report, recommended that the body of adminis-



system and make it useful, and that was what the Commission had most laboriously inquired into and had furnished them with admirable plans. The hon. Member for Kirkcudbright said that hospitals were mere schools like Eton or Harrow. Why, then, had they been productive of so little fruit? Every parish school in Scotland could boast of its distinguished scholars. How came it that these Scotch hospitals, with all their wealth, had none to boast of? He was an older educationalist than the hon. Member for Kirkcudbright, and he thanked the Commission for the admirable Report which they had made, in which ample care was taken of the poor. What was the change which they desired to see? It was this—Edinburgh, as the metropolis of Scotland, had got an enormous acquisition of wealth in regard to these hospital foundations. It had got this great wealth, not because it was Edinburgh, but because it was the capital of the kingdom; and was the hon. Member for the City of Edinburgh to be the person to ask that House to treat Edinburgh as a small locality, and not as the metropolis of Scotland? Why, did it not add to the dignity of Edinburgh if it were made the metropolis of education as well as the metropolis of Scotland. The Commissioners recommended that Edinburgh should be made the metropolis of education in Scotland, and that these enormous foundations, which had come to it because it was the capital of the kingdom, should not be limited to Edinburgh alone, but extended to the whole kingdom.

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*Mr. Lyon Playfair*

in which they had answered the charges of the Auditor General were made at suggestion of the Lords of the Treasury, who, doubtless, thought it was but common justice to give them some opportunity of explanation. As to the complaint of the Auditor General that those against whom he made serious charges should be allowed to say a word in their defence, he must say it was characterized by a great deal of simplicity.

MR. WHALLEY pointed out that the hon. Member's object was to draw attention to the profuse manner in which the Commissioners appropriated these monies to the dependents and connections of the Church in Ireland. It was no answer to that to say that the Commissioners were all highly respected and respectable Gentlemen. If these monies had been appropriated in an unwarrantable manner—if there had been jobbery with regard to their distribution, it was a proper question to be brought before that House. To all intents and purposes these were public monies, and if more had been given to curates, deans, and incumbents than they were strictly entitled to, the hon. Member ought to receive the best consideration of that House for having brought the subject under their notice.

CAPTAIN NOLAN said, that the hon. Member for Peterborough was mistaken in stating that this was public money. Unfortunately it was not, or the Chancellor of the Exchequer would see that it was more justly appropriated. He could only express the great regret which would be felt in Ireland when they found that hon. Members on neither front bench supported the hon. Member for Dundee in his inquiries into this matter.

#### RECEIVER GENERAL OF INLAND REVENUE—APPOINTMENT OF SIR ALFRED SLADE.—OBSERVATIONS.

MR. DILLWYN, in calling the attention of the House to the recent appointment of the Receiver General of Inland Revenue, contended that such office, if it were necessary at all, should be filled on the recommendation of the Board of Inland Revenue. He had no personal interest in this matter, but simply brought it forward on public grounds. He was a strong advocate of promotion by merit, considering that appointments

made on political or personal grounds were a great discouragement to the Civil Servants in all Departments. In the Report of the Committee on the organization of the Permanent Civil Service presented in 1854, it was recommended that the young clerks should be made to feel that their promotion and future prospects depended upon the industry and ability with which they discharged their duties, and that was the principle which ought to be adopted. The appointment violated the principles of the Report to which he had alluded. What were the facts of the case? The office of Receiver General of Inland Revenue was created in 1849 by an amalgamation with the Department of Stamps and Taxes, with a salary of £1,000 a-year. In 1871, Mr. Brotherton, the then holder of it died, and Lord Alfred Hervey, formerly M.P. for Brighton, was appointed; and at his death, recently, Sir Alfred Slade was appointed over the heads of all the clerks of the department. It happened that during the last four years of the life of Lord Alfred Hervey he was incapacitated from performing the duties of the office, which were discharged by Mr. Rea, the chief clerk. That gentleman had entered the service in 1842, and had worked on through all the grades until in 1867, he became chief clerk, with a salary of £600 a-year. He should like to know what duties of the office there were which the chief clerk could not fulfil? It appeared to him, after what had taken place, an unnecessary office. But he should like to know also what special qualifications Sir Alfred Slade had for the office; or whether it was not given to him from party or personal considerations? He did not attack the Government. They only did what their Predecessors, and what he probably should do himself if in their places. All he meant by his question was to draw attention to a bad custom, which ought to be got rid of, because it must act as a discouragement to Civil Servants of every class and grade.

MR. OSBORNE MORGAN thanked his hon. Friend for bringing forward a delicate question in so temperate manner. It was, however, necessary sometimes to call a spade a spade—he begged pardon, he meant a spade a spade, and although he believed Sir Alfred Slade to be an estimable man and an excellent officer,



trators of the funds, amounting to 54, should be reduced to 15, and that in the face of the fact that the administrators of the funds were comprised of the corporation and other respectable citizens of Edinburgh, whose object it was to carry out the intentions of the founders to educate the children of poor burgesses. The endowment fund amounted to £9,886 18s., and the cost of boarding and educating many of the children amounted to £54 each per year. The £9,886 18s. included all the expenses of administration, &c. He submitted that it would be most unfair to single out that school to be dealt with in accordance with the recommendations of the Commissioners; and unless they were prepared to deal with the whole question they should not meddle with the funds left for such objects, as he had pointed out, by the founder.

#### IRISH CHURCH TEMPORALITIES COMMISSIONERS.—OBSERVATIONS.

MR. E. JENKINS, in rising to call attention to the last Report of the Comptroller and Auditor General on the accounts of the Irish Temporalities Commissioners, said, he was prevented by the Rules of the House from making the Motion of which he had given Notice—

“That certain questions arising thereon be referred to the Committee of Public Accounts, with instructions to examine into the same and report to this House.”

He had to complain of the unsatisfactory relations existing between the Comptroller and Auditor General and the Commissioners, who, from the tone which they adopted with reference to ordinary criticism, appeared to prefer that no examination should be made into their accounts; and also of the reply which had been given him (Mr. Jenkins) in a tone of cynical reserve by the Treasury Bench, when he had asked a Question upon the subject, to the effect that the Treasury could not interfere even if there was any necessity to do so. But the Treasury had interfered in the matter by sanctioning the publication of two Reports criticizing and impugning the action of the Comptroller and Auditor General. If public accountants were hereafter to be permitted to publish criticisms upon the manner in which the

Comptroller and Auditor General discharged the function of examining public accounts, it would be a most grave abuse. The only matter which he desired to be cleared up was that with reference to the limitations of the functions of the Auditor and Comptroller General and of the Irish Church Temporalities Commissioners, between whom a very grave dispute had arisen as to the limitation of their respective functions. He thought it was a most unfortunate state of things, and that it was time to put a stop to it. On the one hand the Church Temporalities Commissioners said that plenary powers were conferred upon them by the Irish Church Act, and that their decisions were final; and although the Auditor General was appointed to audit their accounts, they insisted that when they had made an order he could not go behind that order and say whether the accounts were right or not.

MR. W. H. SMITH, speaking for the Treasury, as a Member of the Select Committee on Public Accounts, deprecated discussion on matters which were not before the House, but which were under the consideration of that Select Committee. The Report of the Comptroller and Auditor General was considered, paragraph by paragraph, by the Committee, and witnesses examined as to the statements contained in the Report; and he believed that the draft Report of the Committee upon the subject had been prepared by the Chairman. With regard to the controversy to which the hon. Member had referred, the Treasury had no power to interfere, the proper judges in the matter being the Public Accounts Committee. The Treasury had, however, thought it right to consent to the Commissioners reporting to the House upon the mode in which they had conducted their operations during the past three or four years; and when that Report was before the House, it would be the time for discussing these questions.

MR. LAW vindicated the conduct of the Commissioners maintaining that they had only defended themselves when attacked in the several Reports of the Comptroller and Auditor General. The Commissioners, he added, were always anxious that their accounts should be thoroughly and properly examined; and it was to be observed that the Reports



grain; besides, green crops were not within the farmer's reach at all seasons, but grain was. True, he might import oil-cake, rape-cake, palm-nut meal, locust beans, and other foreign stuffs; but why force the Irish farmer to that expense and risk, when he could grow on his own land a far better material at a less cost? But the right hon. Gentleman might say—"Oh, you whisky-drinking people; the extension of this Act to Ireland would encourage illicit distillation, and illicit distillation might considerably affect my Budget." That appeared to be arguing against the use of a thing from its abuse—a process of reasoning which he trusted would not have much weight in that House. He did not believe there was ever such an answer—such a flimsy excuse; a reason so unworthy of such an ingenious mind—an answer showing so plainly the justice of the claim which he had brought forward. Why, the English farmer consumed more alcohol than the Irish farmer, and the Scotch consumed more than either; yet they possessed that privilege, and Ireland was again helped to a dish of exceptional legislation. In that country spirit was made from beet-root. Why not prohibit the growth of such a dangerous vegetable. He supposed his hon. Friend the Member for Carlisle (Sir Wilfrid Lawson) would some day bring in a Bill to extirpate from the country this intoxicating vegetable. On the same principle live poultry ought to be prevented in England, in order to stop cock-fighting; and the growth of blackthorns ought to be prevented in Ireland, because they sometimes created headaches. Were they going to say that they continued such a law because they had not the power to prevent illicit distillation? If they had not the power, of what use were the Constabulary and Revenue officers, for whose maintenance we paid so much? Was it right that the Irish farmer should suffer for the inefficiency or incompetency of the Irish Executive? Therefore, away with the assertion that the revenue of the country would be affected by the extension of this Act to Ireland. That was one of the last restrictions which they allowed to continue upon the industry and enterprize of Irish farmers, and its existence carried the mind back to the time when, by the 20th of Elizabeth, they prohibited the

importation of live cattle from Ireland, when it was penal to sell the hides for leather or the wool for clothing, when by an Act of William III. they destroyed our woollen manufacture. For centuries we had had to compete with not alone your enterprize, your marvellous energy, your industry and perseverance, but also with your repressive Acts of Parliament. How unfavourably did your system of dealing with the farmers of Ireland contrast with the fostering care bestowed upon agriculture by the Irish Parliament in 1774. In that year there existed the Dublin Society for the encouragement of agriculture, planting, and other articles in husbandry; and he would call their attention to a book printed over 100 years ago, which gave an interesting account of the sums expended for a better system of farming. £250 was given yearly to each county in Ireland as premiums for producing the best quality of wheat. Such sums as £240 were given yearly to farmers for the reclamation of bog in each of the provinces. Many of the premiums were granted by Acts of Parliament. For instance, the premium for the best mode of preserving corn upon stands. Were the farmers of Ireland to be told that you were not alone ungenerous, but also unjust. Ireland was a great stock-producing country, and, he regretted to say, it was becoming more so every day. Ireland was your provision store, and why, in the name of reason or of common sense, should the Irish farmer be prevented from using his own grain for his own cattle in the manner he thought best, and in the manner in which the farmers of England and Scotland had the privilege of using it? It might be said this was a matter of small importance—it was only an Irish question; but yet it was a question of rare merit; for it was a question into the discussion of which, unless by some wonderful ingenuity, neither religion nor politics could be imported. But it was not only an Irish, but also an English, question, because if we produced the beef, it was the English who ate it—a circumstance which, he thought, made it more an English than an Irish question; for certainly the English had the best of the bargain. Neither was it an agricultural question only—it was also one of commerce; for the principal trade between the two was in the export of Irish mutton, butter, and beef,

yet he should much like to know what earthly chance he would have of being appointed Receiver General, if it were not for the fact that he had been an unsuccessful candidate for Taunton. He did not object that this gentleman had been rewarded for Party services; what he objected to was, that the remuneration should be reserved for those who had not borne the burden and heat of the day. If situations of the kind were given to young and aspiring politicians, the interests of the country must suffer, and however a strong Government might be it could not afford to play with appointments in this manner.

THE CHANCELLOR OF THE EXCHEQUER said, he was sorry that his right hon. Friend at the head of the Government had been obliged to leave the House, because the selection to this office rested with the Prime Minister and not with himself. At the same time, his position enabled him to give an explanation as to the appointment. When the vacancy recently occurred, his right hon. Friend requested him (the Chancellor of the Exchequer) to communicate with the Chairman of the Board of Inland Revenue and to ask him whether the office of Receiver ought to be filled up, and if so, whether it ought to be filled by the promotion of anyone in the office? He knew that at that time his right hon. Friend had no one specially in view for the office. The Chairman informed him that it was necessary the office should be filled up, and that not only had no one any special claim in the office, but that it was desirable it should be filled up outside the office. Sir Alfred Slade was afterwards appointed. He understood that the course taken upon the occasion of the vacancy which the late Lord Alfred Hervey was appointed to fill was very similar. Inquiry was made, and the same replies were made by the Chairman of the Board of Inland Revenue when similar questions were put to him by the late Prime Minister. As to the selection of the gentleman who had been appointed to this office, he really had nothing particular to say. He had no doubt his right hon. Friend had good reasons for the selection he made. The appointment involved a great deal of responsibility and a very heavy security, and therefore, like that of the Receiver General of the Customs, as a general

rule, it was given to a gentleman of independent fortune, who was in a position to give good security. He thought it was a very hard thing that gentlemen who had entered in the lower ranks should find that the superior Staff appointments were filled unexpectedly by gentlemen outside of the office, and he adhered to the opinion of the Committee that it was most desirable for the interests of the public service that they should be given as far as possible within the ranks of the service. But, no doubt, the Receiver Generalship of the Customs and the Receiver Generalship of the Inland Revenue had generally been regarded as being on a different footing, and were generally given to persons of independent fortune.

#### FEEDING OF CATTLE (IRELAND)

##### OBSERVATIONS.

MR. R. POWER, who had a Notice upon the Paper to move the following Resolution:—

"That, in the opinion of this House, it is unreasonable and unfair to deny to the Irish farmers the same privileges that are accorded to farmers in Great Britain, of germinating grain for the feeding of cattle, and that the Law in this respect requires alteration,"—

said, that upon two occasions he had put Questions to the right hon. Gentleman the Chancellor of the Exchequer upon the subject; and having failed to receive anything like a satisfactory answer, he now ventured to bring the question more prominently before the House. It appeared that by a statute passed in the year 1870, it was enacted that the farmers of Great Britain might germinate grain for feeding purposes for cattle, and anyone who understood farming or knew the nutritious property of germinated grain, could well understand what an advantage it was to an agricultural community. Why Ireland was exempted from that Act he did not know, and he was curious to hear some reason why it was, or why it should continue so. The right hon. Gentleman the Chancellor of the Exchequer might say—"Oh, you have plenty of green crops to fatten your stock;" but every farmer knew that to make beef what it ought to be in as short a time as possible, some auxiliary to green crops was required, and there was none better, or, perhaps, he might say, as good, as germinated

*Mr. Osborne Morgan*

inducing many farmers in Ireland to grow barley, be much regarded in Ireland.

MAJOR O'GORMAN would not add one sentence to what had already been said, and he was perfectly content with the promise made on behalf of the Chancellor of the Exchequer.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

#### SUPPLY—CIVIL SERVICE ESTIMATES.

##### CLASS III.—LAW AND JUSTICE.

SUPPLY—*considered* in Committee.

(In the Committee.)

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £51,305, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for Salaries and incidental Expenses connected with Criminal Proceedings in Scotland."

MR. DILLWYN objected to Supply being taken at half-past 12 o'clock, and moved that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Dillwyn.)*

THE CHANCELLOR OF THE EXCHEQUER: I think it would be more practical if the hon. Member, instead of telling us when we are not to take Supply, would tell us when we are to do so.

MR. W. H. SMITH appealed to the hon. Member not to press his Motion.

Motion, by leave, *withdrawn*.

Original Question put, and *agreed to*.

(2.) £44,396, to complete the sum for Courts of Law and Justice, Scotland.

(3.) £23,916, to complete the sum for the Register House Departments, Edinburgh.

(4.) £18,471, to complete the sum for Prisons, and Judicial Statistics, Scotland.

(5.) £32,851, to complete the sum for the Court of Chancery in Ireland.

(6.) £20,740, to complete the sum for the Common Law Courts, Ireland.

(7.) £7,085, to complete the sum for the Court of Bankruptcy in Ireland.

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(8.) £9,481, to complete the sum for the Landed Estates Court, Ireland.

MR. MELDON complained of the insufficiency of the staff. He maintained that one Judge for the Court was insufficient.

MR. MITCHELL HENRY mentioned that the Judge of the Court had himself expressed the opinion that no additional Judge was necessary.

SIR PATRICK O'BRIEN said, it was within the knowledge of every professional man in Ireland that the working power in the Landed Estates Court was quite inadequate; the delay to suitors being in many cases intolerable. His hon. and learned Friend was quite justified in stating that the staff of the Landed Estates Court was not sufficient to effectually discharge the heavy and important duties of that Court.

MR. BUTT said, that the Act of Parliament appeared to require that there should be two Judges of this Court. The last Government thought they could dispense with the second Judge, but the general opinion of the profession was that the work was too much for one Judge. He had to investigate the titles, and all other matters connected with the estates and the sale of them. He considered that the work was too great for any one man to discharge in a Court where mistakes were liable to occur, and from which there was no appeal.

SIR MICHAEL HICKS-BEACH admitted that there was a strong feeling among the Bench, the Bar, and the solicitors of Ireland in favour of the appointment of a second Judge. The facts stated by hon. Members showed however, that there were great difficulties connected with the subject. The hon. and learned Member for Kildare was perfectly justified in the course he had taken; and in any change that might be deemed necessary in the Judicature system of Ireland the state of the Landed Estates Courts would not be lost sight of with a view to improvement.

MR. WHITWELL hoped that in any change that might be made in reference to the business of the Landed Estates Court, the Court would be made a self-sustaining Court.

MR. MITCHELL HENRY said, he did not object to the appointment of a second Judge, but only wished that he should not be appointed before the re-



all of which would be affected by the Resolution on the Paper. Almost the only manufacture left them was the manufacture of meat for the English markets, and even here the jealous spirit of former times manifested itself in the maintenance of a law giving privileges to Scotch and English farmers, of which it denied the Irish. In bringing forward the question, he did not seek either favour or affection for the Irish farmer. All he wanted upon that occasion was equal rights and equal laws. He was no political economist or deep-thinking philosopher; neither did he believe in theoretical dreams or fantastical legislation; but he maintained that any law that lessened or discouraged the production of human food was impolitic, and immoral, and a disgrace to the Statute Book. That law, he said, which we ask you to repeal was nothing less than a tax on human food. In bringing forward the subject, he had two objects—first, to increase the quantity, to lessen the price, and improve the quality of Irish meat supplied to the English public. His second object—and he trusted the House would not consider it less important—was to try and remove from the minds of the Irish people the impression that there was one law for England and another law for Ireland; or, in other words, that there was one law for the rich and another for the poor. He appealed to hon. Members opposite to aid him in his endeavour to remove from the Statute Book one of those odious distinctions, one of those unequal laws, which had too often impressed the susceptible minds of his countrymen with the idea that they sought to retard their progress and obstruct their enterprize. He did not intend to detain the House. The question was so simple, so just, so easily understood, that he felt convinced it was unnecessary to speak further on the subject; but he must remind them that when first the present Parliament met, when there were many strange faces present, and many familiar ones absent, they were told that if Irish Members brought forward their complaints, they would receive every fair consideration from that House. He therefore hoped that his request would be granted—a request which, connected with no party intrigue, possessing no sinister character, was conceived in a spirit of justice,

*Mr. R. Power*

and based on the principles of equality, freedom, and fair play.

MR. MELDON said, the subject was brought forward on national as well as utilitarian grounds; because, but for the operation of this penal law, farmers in Ireland could find on their own lands the means of fattening their cattle, which at present they had not, and were unable to procure.

SIR MICHAEL HICKS - BEACH said, that those who had some knowledge of the state of matters in England were aware that the Act on the subject passed a few years ago had been taken little advantage of in this country, and he did not think that the mere fact that it had not been extended to Ireland was such a very great grievance. At any rate, he believed that that was the first time that any request had been made that the operation of the Act should be extended to Ireland; but if it could be shown that a decided benefit would be secured by its extension, the matter was well worth the consideration of the Government. However, in such consideration there were other points that must not be overlooked. The question of illicit distillation was not so simple as hon. Members might suppose. It was true that in Ireland illicit distillation was now almost at the minimum point, but those who were interested in the Revenue would be most anxious not to make any change in the law which might encourage the practice. His right hon. Friend the Chancellor of the Exchequer, for whom he spoke, while most anxious that illicit distillation should not be increased, had the subject to which the hon. Member had called attention under his consideration, and had requested him to add that if the hon. Member for Waterford and some of his Friends would do him the favour to have an interview with him on some early occasion, he and the Chairman of the Board of Inland Revenue would be most happy to confer with them, and see if they could not arrive at some satisfactory solution of the matter.

SIR PATRICK O'BRIEN said, he was sure that the statement made by the right hon. Gentleman had been very satisfactory to the Irish Members generally. He would only remind the right hon. Gentleman that what might not be a great boon in England, might, from the difference of climate and of soil,

inducing many farmers in Ireland to grow barley, be much regarded in Ireland.

MAJOR O'GORMAN would not add one sentence to what had already been said, and he was perfectly content with the promise made on behalf of the Chancellor of the Exchequer.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.

#### SUPPLY—CIVIL SERVICE ESTIMATES.

##### CLASS III.—LAW AND JUSTICE.

##### SUPPLY—considered in Committee.

(In the Committee.)

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £51,305, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for Salaries and incidental Expenses connected with Criminal Proceedings in Scotland."

MR. DILLWYN objected to Supply being taken at half-past 12 o'clock, and moved that Progress be reported.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Dillwyn.)*

THE CHANCELLOR OF THE EXCHEQUER: I think it would be more practical if the hon. Member, instead of telling us when we are not to take Supply, would tell us when we are to do so.

MR. W. H. SMITH appealed to the hon. Member not to press his Motion.

Motion, by leave, *withdrawn*.

Original Question put, and agreed to.

(2.) £44,396, to complete the sum for Courts of Law and Justice, Scotland.

(3.) £23,916, to complete the sum for the Register House Departments, Edinburgh.

(4.) £18,471, to complete the sum for Prisons, and Judicial Statistics, Scotland.

(5.) £32,851, to complete the sum for the Court of Chancery in Ireland.

(6.) £20,740, to complete the sum for the Common Law Courts, Ireland.

(7.) £7,085, to complete the sum for the Court of Bankruptcy in Ireland.

(8.) £9,481, to complete the sum for the Landed Estates Court, Ireland.

MR. MELDON complained of the insufficiency of the staff. He maintained that one Judge for the Court was insufficient.

MR. MITCHELL HENRY mentioned that the Judge of the Court had himself expressed the opinion that no additional Judge was necessary.

SIR PATRICK O'BRIEN said, it was within the knowledge of every professional man in Ireland that the working power in the Landed Estates Court was quite inadequate; the delay to suitors being in many cases intolerable. His hon. and learned Friend was quite justified in stating that the staff of the Landed Estates Court was not sufficient to effectually discharge the heavy and important duties of that Court.

MR. BUTT said, that the Act of Parliament appeared to require that there should be two Judges of this Court. The last Government thought they could dispense with the second Judge, but the general opinion of the profession was that the work was too much for one Judge. He had to investigate the titles, and all other matters connected with the estates and the sale of them. He considered that the work was too great for any one man to discharge in a Court where mistakes were liable to occur, and from which there was no appeal.

SIR MICHAEL HICKS-BEACH admitted that there was a strong feeling among the Bench, the Bar, and the solicitors of Ireland in favour of the appointment of a second Judge. The facts stated by hon. Members showed however, that there were great difficulties connected with the subject. The hon. and learned Member for Kildare was perfectly justified in the course he had taken; and in any change that might be deemed necessary in the Judicature system of Ireland the state of the Landed Estates Courts would not be lost sight of with a view to improvement.

MR. WHITWELL hoped that in any change that might be made in reference to the business of the Landed Estates Court, the Court would be made a self-sustaining Court.

MR. MITCHELL HENRY said, he did not object to the appointment of a second Judge, but only wished that he should not be appointed before the re-

arrangement of the Irish Judicature system.

Vote agreed to.

(9.) £8,773, to complete the sum for the Probate Court, Ireland.

(10.) £1,255, to complete the sum for the Admiralty Court Registry, Ireland.

(11.) £13,891, to complete the sum for the Registry of Deeds, Ireland.

(12.) £2,403, to complete the sum for the Registry of Judgments, Ireland.

(13.) £101,368, to complete the sum for the Dublin Metropolitan Police.

Motion made, and Question proposed,

"That a sum, not exceeding £745,037, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for the Constabulary Force in Ireland."

MR. MELDON said, that considerable discussion would arise on this Vote, and therefore he moved that the Chairman report Progress.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(Mr. Meldon.)*

THE CHANCELLOR OF THE EXCHEQUER pointed out that there were only three other Votes in this class, and he hoped they would be taken before Progress was reported.

MR. BUTT said, the choice was between passing these Votes without discussion—"No, no!"—and reporting Progress.

MR. W. H. SMITH said, he would postpone the Vote.

Motion, by leave, *withdrawn*.

Original Motion, by leave, *withdrawn*.

(14.) £60,800, to complete the sum for Government Prisons, &c., Ireland.

(15.) £67,721, to complete the sum for County Prisons and Reformatories, Ireland.

(16.) £4,081, to complete the sum for Dundrum Criminal Lunatic Asylum, Ireland.

House *adjourned*.

Resolutions to be reported upon *Monday next*.

Committee to sit again upon *Monday next*.

*Mr. Herbert Henry*

#### CHELSEA BRIDGE BILL.

On Motion of Lord HENRY LESTOX, Bill to amend the Acts relating to Chelsea Bridge, ordered to be brought in by Lord HENRY LESTOX and Mr. WILLIAM HENRY SMITH.

Bill presented, and read the first time. [Bill 249.]

House adjourned at a quarter before Two o'clock, till Monday next.

#### HOUSE OF LORDS,

*Monday, 12th July, 1875.*

MINUTES.]—PUBLIC BILLS—Committee—*Report*—Royal Irish Constabulary\* (182).

*Report*—Ecclesiastical Commissioners (Fen Chapels)\* (204).

*Third Reading*—Pollution of Rivers\* (203); Medical Acts Amendment (College of Surgeons)\* (165); Local Government Board's Provisional Orders Confirmation (Aberdare, &c.)\* (123), and *passed*.

#### GERMANY AND BELGIUM—INTERNATIONAL LAW.

##### QUESTION. OBSERVATIONS.

LORD PENZANCE, who had given Notice to call attention to the following passage in the despatch of the German Minister to the Minister for Foreign Affairs of the King of the Belgians, dated the 3rd of February 1875:—

"They are incontestable principles of International Law that a State ought not to permit its subjects to disturb the internal peace of another State, and is bound to take care by its laws that it is in a position to fulfil this international obligation."

and to ask the Secretary of State for Foreign Affairs. Whether any application has been made to Her Majesty's Government to acquiesce in any such principle as one of International Law; and, if so, with what result? said, that the Question of which he had given Notice with reference to International Law was one which he was persuaded their Lordships would think was well worthy of consideration. As the Question arose upon a Correspondence between two Foreign Governments, he wished most definitely to disclaim any desire to enter into the cause which had given rise to that Correspondence. The Correspondence had taken place between the Governments of Germany and Belgium, and it seemed that in it the Ger-



man Government complained that a plan or plot had been formed in Belgium for the assassination of Prince Bismarck. What he had to say would have no reference to this. But in the Correspondence other topics had been dealt with—such as that in Belgium certain opinions had been published in reference to the Roman Catholic Church which the Government of Germany thought very injurious to the interests of their country, and likely to disturb their internal peace; and in respect to these publications, Germany desired certain steps to be taken. Whether the complaint was well founded, and what notice should have been taken of it by the Belgian Government, were questions upon which he had no desire to say anything. But in the course of the Correspondence he found that the German Minister, in support of his complaint against Belgium, made a statement as to a general rule of International Law which might be applicable under the varying circumstances of different times to all civilized nations. This principle was asserted to be one that was beyond all question; and it was because he (Lord Penzance) believed the principle to be novel, erroneous, mischievous, and likely to become dangerous, that he ventured to call their Lordships' attention to it. It might be said that it hardly devolved upon their Lordships' House, and still less upon any individual in it, to raise the question; but this Correspondence had been handed by the German Government to Her Majesty's Government, and therefore it was that he founded a Question upon it. The Correspondence had been in an official way communicated to Her Majesty's Government, and Her Majesty had been most graciously pleased to order it to be laid upon the Table of the House; and therefore the attention of their Lordships had been invited in the most legitimate way to it. The German Minister in his despatch said—

"They are incontestable principles of International Law that a State ought not to permit its subjects to disturb the internal peace of another State, and is bound to take care by its laws that it is in a position to fulfil this international obligation."

From the generosity of this language it might be supposed that the disturbance of internal peace alluded to was a phy-

sical disturbance; but the Correspondence which had taken place showed that this was not so, for what was complained of was that there had been publications in Belgium which the Belgian Government did not restrain, which more or less expressed sympathy with clergymen who had been imprisoned in Germany in consequence of resistance to the law of the State. The proposition laid down, therefore, as it was explained by the other parts of the Correspondence, was shortly this, that "a State ought not to permit its subjects to disturb the internal peace of another State by publications having that tendency." This was surely a proposition of extreme importance, which required mature consideration, and which ought not to be adopted, if adopted at all, without considerable hesitation. He took leave to say that no State had the right to ask of another State that it should restrain a publication within its own territory because that publication might with respect to another Government produce a certain amount of disturbance. What was published in one country could not disturb the subjects of another unless what was so published found its way into that other country; and the remedy was in the hands of that other Government by preventing the publication from finding its way into its own territory. Each State was supposed to have the command of its own territory, and of all the approaches to its own territory; and every State was taken to have the means of keeping out of its own territory publications which it objected to. In former times there was no such public opinion in Europe as existed at present, because national intercommunication had not been established as it now existed; but the effect of adopting the proposition he was inviting the House to consider would be to destroy the public opinion which had of late years grown up in Europe and from which great advantages had arisen. But it was necessary to observe the way in which the proposition was put. It was not put as an appeal to friendly offices—it was not put even as a demand to set in motion such laws as might exist in the State when such publication was made; but the matter was elevated into an absolute duty from which there was no escape, whatever the occasion or circumstances might be, to restrain the pub-

lication complained of. There was much involved in that duty. The adoption of such a new rule would involve the necessity of a nation being bound not only to put in force such laws as it had, but to make new laws, if need be, adequate for the purpose. Nay, it would even involve the necessity, if verdicts could not be obtained, of abandoning trial by jury. Where, he asked—in the writings of what author—was to be found such a principle as this, as binding between civilized States? The only International Law hitherto promulgated and acted upon was sufficient for all reasonable demands, and it was this—If a foreign Power conceived that the municipal law had been broken to its detriment by a subject of any other State it would bring the circumstances before the Government under whose laws the offender lived, and demand his punishment if it could prove the offence; and in such case it was for that Government to exercise a fair discretion in becoming prosecutors under that law. This surely was sufficient to meet all ordinary cases. In times past it had happened, and it might happen again, that questions of this kind had been tried by juries, and sometimes it was not easy to get convictions; but if the proposition laid down by the German Minister were made an international obligation the whole system would have to be altered, for there were many cases that came within it for which English juries would not convict. In fact it would be necessary if the principle laid down was to be acted upon to enact a law which would be sufficiently strong for the purpose. If it was really a duty, really an international obligation, it would be no excuse for failing to fulfil it to say that your laws were not strong enough to do so. And then would be heard again a word which had been rife of late times—the word “compensation.” The whole of these results, which would flow from an adoption of the principle laid down were, to say the least of them, novel, and he had been unable to find any precedent in the history of civilized nations to justify the adoption of such a proposal. It was for a nation to put in force its laws in the case of its own subjects, and what more should a foreign Power ask when it was sought to rectify a wrong? Vattel, the distinguished writer on the “Law of Nations,” pointed out

the difference between perfect and imperfect rights:—all that foreign Governments had a right to ask was that you should put in force the existing law that prevailed in your own country. The First Napoleon addressed remonstrances to this country with reference to publications here, and Lord Hawkesbury, in a despatch of August 28, 1802, stated that—

“His Majesty neither can nor will, in consequence of any representation or measure from a foreign Power make any concession which may, in the smallest degree, be dangerous to the liberty of the Press, as secured by the constitution of this country: but, he continued, there exist judicatures wholly independent of the Executive, capable of taking cognizance of such publications as the law deems criminal, and they may investigate and punish not only libels against the magistracy and government of this kingdom, but those reflecting on the individuals in whose hands the administration of foreign Governments is placed. The British Government is perfectly willing to afford to the French Government all the means of punishing the authors of any writings which they may deem defamatory, which they themselves possess: but they can never consent to new model their laws or to change their constitution to gratify the wishes of any foreign Power. ‘If,’ it added, ‘the French Government were dissatisfied with our laws on the subject of libels, they may punish the vendors or distributors of such writing as they deem defamatory in their own country, or increase by additional penal regulations the risk of their circulation within their own bounds.’”

In that Despatch the matter was placed on a true and sound footing, and he trusted that no Government in this country would be induced to depart from it. He dreaded to think of the effect of such a demand if made on this country. What prospect would there be of passing a proposed change in the law regulating the freedom of the Press made at the instance of a foreign State? It would be impossible. In this country free comment was most beneficial, and no proposition to control or restrain it would for a moment be entertained. He earnestly desired that, if the time should come when any foreign Power should ask us to make more stringent laws as to publication in this country, on the ground that it interfered with their internal peace, we should be free and unfettered to meet that demand, and that was the reason why he hoped that no sanction, either direct or indirect, and no countenance by a silence that might be adversely construed, should be given to this novel

and dangerous doctrine. He begged to ask the Secretary of State for Foreign Affairs, Whether any application has been made to Her Majesty's Government to acquiesce in any such principle as one of International Law; and, if so, with what result?

**THE EARL OF DERBY:** I am sure your Lordships all feel the importance of the subject which the noble and learned Lord (Lord Penzance) has made the subject of discussion, and that it is well worthy of the attention of the House. The Question which the noble and learned Lord has addressed to me is one which I have no difficulty in answering. No application has been made to Her Majesty's Government to acquiesce in the particular principle of International Law contained in the passage which he has quoted. The Correspondence in which it occurs, relating mainly to the affair of Duchesne, was communicated to the British Government for information only. It was communicated in the first instance in a confidential manner, and at no stage of the discussion was any appeal addressed to us or any request made for our interference. I might say more—I believe that to the Belgian Government, at least, an offer of mediation would not have been acceptable; because that Government, taking from the first a very sensible and judicious view of the situation, desired nothing less than the raising of a small and easily-settled question into one of European importance. If we had thought that our good offices were necessary or desirable for the maintenance of our good relations, they would have been freely offered: but we did not think so; and the result has justified what we did—or rather what we did not do—for the matter, so far as the Duchesne question is concerned, is disposed of, as I believe without leaving any unfriendly feeling on either side. As to the other question, I should be reluctant to raise a general or abstract controversy upon a passage such as that which the noble and learned Lord has quoted. In practical life, we often find that people arguing a case, whether in diplomacy, or in Parliament, or in Courts of Law, lay a foundation much wider and more extensive than is necessary to support the superstructure which they intend to raise. We have most of us heard sound and defensible conclusions supported by ar-

guments of very questionable validity; and if I had to express an opinion on this demand I should have looked to the substantial justice or injustice of the thing demanded, to the merits of the particular case which was being discussed, rather than to the precise words or arguments which happened to be used in discussing it. And I should the more readily have taken that course because the words quoted, as I read them, are so vague and general that they do not admit of judicial interpretation. "A State ought not to permit its subjects to disturb the internal peace of another State." Very well; but what is disturbing the internal peace of another State? If the proposition is put in this way—"All Acts committed by the subjects of one State which have a tendency, however indirect and remote, to cause disturbance in another State, ought to be forbidden"—then it amounts to a claim so monstrous and unreasonable that one may safely affirm that it never has been put forward by European diplomacy, and that it probably never will be. To take an example:—The abolition of slavery in one country may have a strong tendency to disturb the internal peace of a slave-owning community in an adjoining country. A political revolution, in whatever sense it is made, tends, by the sympathy it creates, or by the alarm which it excites, to produce important changes beyond the frontier of the State in which it occurs. But no one has ever said that in altering its own institutions a State was bound to take into account the effect which such change might have on its neighbours. That interpretation of the words must therefore be put aside as extravagant. But if we put an opposite construction upon them—a construction which they will equally well bear—and read them in this way—"There are some acts, tending to disturb the internal peace of another State, which by International Law a State is bound on that ground to forbid"—if, I say, the claim is carried no further than that, it is a claim which, within certain limits, more or less defined, I conceive that every civilized Government has in practice admitted. The difficulty, as I conceive, is where to draw the line; and it is a difficulty which I am afraid we shall not easily solve. We speak of International Law, and it is a convenient



phrase; but in the strict sense of the word, law presupposes the existence of a Legislature to make it, a Judicial Authority to declare and to define it, and an Executive to enforce the decisions of the tribunals. Now, in the case of that assemblage of international usages which we call International Law all these three conditions are wanting; and, as a natural consequence, it follows that though certain leading principles are universally admitted, yet in matters of detail you have nothing like the precision and accuracy which distinguish—or, at least, ought to distinguish—law, as framed by a national Legislature and interpreted by a national tribunal. These are my two reasons for not undertaking to criticize the language of the German Government which has been read. In the first place, I have never been required, for any practical object, to do so; in the next place, I cannot take on myself to say exactly what they mean. I agree in much that has been said; but it is not at all clear to me that the German Government would put the construction on its words which has been put upon them. If I rightly understand the doctrine laid down by the noble and learned Lord, there is one part of it to which I should hesitate before giving an unqualified assent. The noble and learned Lord seemed to lay it down as an abstract and general proposition—and I did not understand him to admit exceptions to it—that each State is necessarily supreme in the making of its own municipal law, and that no other State has a right to call upon it to make alterations in that law. That doctrine, no doubt, represents the general rule; but, if laid down unconditionally, it seems to me open to criticism, because it shuts you up to the conclusion that every State must be the sole judge for itself what its international duties are. Now, that is equivalent to saying that there are, or soon will be, as many different systems of International Law as there are independent States; and that, again, is very much like saying that there is no such thing as International Law at all. It seems to me—speaking with great deference—that if a State lies under recognized international obligations towards another State, it is no answer to a charge of non-fulfilment of those duties that they were not fulfilled because mu-

nicipal law did not allow of their fulfilment. The State aggrieved might surely reply to that plea—“What is that to us? If your law is defective, you can mend it; but the badness of your municipal legislation does not lessen our rights or our claims as against you.” Once admit that no nation can be called upon to amend its internal laws, however defective, by any other nation, and you put an end to all international compacts. For, on that hypothesis, a State, wishing to free itself from an inconvenient obligation to another State, has nothing to do except to alter its own laws in such a manner as to make the fulfilment of that obligation impossible; and then, according to the theory, the obligation itself ceases. Surely, that is very like saying that no State is ever to be bound to anything:—and then, what are treaties worth? As regards the practical conclusions which the noble and learned Lord draws, I do not know that there is much difference between us. That one foreign Government should call on another to silence its Press, or its public speakers, is an act which has always excited—and, I hope, always will excite—a general feeling of sympathy and of indignation in this country. But, as I conceive, that feeling arises not so much from attachment to any particular principle of International Law, as from a conviction that the act in question is arbitrary, is oppressive, and is injurious to civilization. We believe free speech, and free writing, to be essential elements of civilization, and we therefore regret and resent anything tending to their suppression. We hold, moreover, that any State can protect itself, if it pleases to do so, against foreign journalism or foreign writings—it can exclude them more or less completely from its own territory, and any interference beyond its frontier is therefore unnecessary and vexatious, as well as unjust. We believe, further, that comments by foreigners on the conduct of contemporary statesmen have great utility and value, and that a Government acts unwisely which deprives itself of that source of information. But, in saying this, I must ask your Lordships to remember that we are discussing a contingency which has not occurred, and which, very probably, may not occur. We have no reason to suppose that any attempt will be made to silence by menace the Bel-

gian Parliament or Press. That being so, and the question in the present state of affairs being purely speculative, I think your Lordships will excuse me if I do not say more on the present occasion.

House adjourned at a quarter past six o'clock, till To-morrow, a quarter before Five o'clock.

## HOUSE OF COMMONS,

*Monday, 12th July, 1875.*

MINUTES.]—SUPPLY—considered in Committee—Resolutions [July ] reported.

PUBLIC BILLS—Ordered—First Reading—Contagious Diseases (Animals) Act, 1869, Amendment \* [250].

First Reading—Elementary Education Provisional Order Confirmation (London) \* [251].

Second Reading—Washington Treaty (Claims Distribution) \* [218]; Public Works Loan (Money) \* [243]; Traffic Regulation (Dublin) \* [244]; Post Office (Superannuation and Gratuities) \* [245]; Salmon Fishery Act Provisional Order (Taw and Torridge) \* [247].

Committee—Conspiracy and Protection of Property [204]—R.P.; Militia Laws Consolidation and Amendment (*re-comm.*) [202]—R.P.; General Police and Improvement (Scotland) Provisional Order Confirmation \* [227]—R.P.

Committee—Report—Employers and Workmen [259]; County Courts (*re-comm.*) \* [225]; Police Expenses \* [187]; Gas and Water Orders Confirmation \* [228]; Drugging of Animals (*re-comm.*) \* [235].

Considered as amended—Tramways Orders Confirmation \* [220].

Withdrawn—Elementary Education Acts Amendment \* [234].

## MERCHANT SHIPPING ACTS AMENDMENT BILL.—QUESTION.

MR. EUSTACE SMITH gave Notice that in the event of this Bill not being proceeded with that night, he should, on the next occasion of its being put on the Paper, move that the Order be discharged.

Afterwards—

MR. RATHBONE asked the First Lord of the Treasury, Whether he could fix a day for the measure being proceeded with in Committee?

MR. DISRAELI: Sir, it is difficult to fix a day now for the discussion of it, but after the Tabernacle and the Israelites.

or a considerable advance is made with them, the Merchant Shipping Acts Amendment Bill is the measure I shall endeavour to bring before the consideration of the House.

## THE INDIAN BUDGET.—QUESTION.

MR. J. HOLMS asked the Under Secretary of State for India, If, in anticipation of the annual Financial Statement for India, he will place upon the Table of the House the Army Estimates for that Country for the current financial year, with a Statement showing the actual number of the rank and file of the European and Indian troops, together with the ages of the men, according to the latest information in the possession of the Government; also stating the total annual military charge during each of the past five years, including expenditure of every kind in India on barracks, roads, and military works, &c. as well as all charges made at home on account of the Army in India?

LORD GEORGE HAMILTON, in reply, said, that the information asked by the hon. Member respecting the Army Estimates for India, with other particulars, were already contained in the Annual Returns laid before Parliament, but he had no objection to produce this information in a separate form.

## INDIA—BURMAH AND WESTERN CHINA.—QUESTION.

MR. ALEXANDER M'ARTHUR asked the Under Secretary of State for India, Whether he can lay upon the Table any Report showing the nature and probable value of the trade which it is proposed to open up through Burmah with the western provinces of China?

LORD GEORGE HAMILTON: Sir, the recent Expedition which was attacked in Chinese Burmah was sent to report upon the trades, routes, and the prospects of trade between Burmah and Western China. We propose to lay upon the Table of the House Papers relating to this Expedition, including a Report of the Chief Commissioner of Burmah as to the probable nature of the trade, and Memorials from the Associated Chamber of Commerce, as well as from the Chambers of Commerce of many of the large towns of the North of India. These documents will, I think,

give the hon. Gentleman the information he seeks.

#### NAVY—DOCKYARD WORKMEN.

##### QUESTION.

MR. PULESTON asked the First Lord of the Admiralty, Whether his attention has been called to the following statement in the public prints, viz. :—

"In consequence of the scarcity of skilled mechanics which exists in the shipbuilding department at several of the Royal dockyards, some of the officials connected with those establishments have been sent to certain of the great shipbuilding yards on the Thames for the purpose of procuring hands for the Government dockyards. Up to the present time, however, little or no success has attended the efforts to induce mechanics to leave the private yards and transfer their services to the Admiralty. The principal reasons assigned by the workmen for declining to enter the public yards are the low scale of wages and the system of classification at those establishments;"

and whether, if the statement be correct, it is proposed to take any action with a view of overcoming the obstacles complained of, and of adding to the efficiency of the Government dockyards?

MR. HUNT: Sir, the statement referred to by the hon. Member is only to a certain extent accurate. In the case of some classes of mechanics men were obtained at the Port of London to the full extent required. In the case of other classes, men were not obtained there, but have since been engaged at other ports in sufficient numbers. I understand that the question of continuity of employment was that upon which the men applied to principally required to be assured.

#### VISIT OF H.R.H. THE PRINCE OF WALES TO INDIA.—QUESTION.

SIR WILFRID LAWSON asked the First Lord of the Treasury, Whether he has any objection to lay upon the Table, previous to the Vote being taken for the Prince of Wales's visit to India, the Correspondence on that subject which has taken place between the Viceroy and the Home Authorities?

MR. DISRAELI: Sir, the only Correspondence on the subject is a strictly confidential Correspondence between the Viceroy and the Secretary of State; and for many reasons which will, no doubt, occur to the hon. Baronet, as well as to the House generally, it would not, I think, be for the public convenience or advantage that this Correspondence should be produced.

*Lord George Hamilton*

#### PUBLIC BUSINESS—THE METROPOLIS GAS COMPANIES BILL.

##### QUESTION.

SIR JAMES HOGG asked the First Lord of the Treasury, Whether he can enable the Order of the Day for the Committee on the Metropolis Gas Companies Bill to come on this evening at such an hour as will enable the House to entertain the question?

MR. DISRAELI: I fear, Sir, it is quite out of my power to arrange that this Bill should be discussed to-night, but I am happy to tell my hon. and gallant Friend that next Session, so far as it lies in our power to do so, we will place him and his Friends in the same position as they now occupy. [*Laughter.*] I see nothing amusing in this announcement. It is one extremely beneficial to my hon. and gallant Friend, because it will not be necessary for him to refer the Bill again to a Select Committee, and he will also enjoy other advantages. That is the intention of the Government. They cannot assist my hon. and gallant Friend in advancing his measure at present. But next Session, so far as the Government are concerned, he and his Friends will be put in the position they now occupy, and therefore there will be a prospect of their carrying out the measure.

SIR JAMES HOGG thanked the right hon. Gentleman for the favourable Answer he had given.

#### ELEMENTARY EDUCATION ACT, 1870—SCHOOL BOARDS.—QUESTION.

LORD FRANCIS HERVEY asked the Vice President of the Council, Whether, considering that doubts have been raised as to the legality of causing a School Board to be formed in any district where there is a sufficiency of school accommodation, he will give an assurance that no School Board shall henceforth be formed in any such district until the opinion of the Law Officers of the Crown has been taken upon the subject?

VISCOUNT SANDON: Sir, hon. Members who were in the last Parliament will remember, and it may be seen by reference to *Hansard's Debates*, on June 30, 1870, that Clause 12 of the Education Act of 1870, to which my noble Friend's Question refers, was introduced as a fresh clause in Committee by my right hon. Friend the Member for Brad-



ford (Mr. W. E. Forster), as he stated at the time in the House, for the express purpose of enabling localities which had sufficient school accommodation, and therefore could not be compelled to elect school boards, to have school boards if they desired, for the purpose of compelling the attendance of children at school and of paying the fees in existing schools for the children of parents whom they considered unable to pay them. The clause was fully discussed on its merits at the time by hon. Members on both sides of the House, and it was finally passed with only a division against a proposal that 20 ratepayers, instead of a majority of ratepayers, might claim a school board, even where there was no school deficiency, for compulsion, &c., only. Ever since the passing of the Act, and in a large number of cases, the Education Department, under this clause, and acting under their usual legal advice, have allowed the election of school boards, at the request of a locality, where there was no school deficiency—Manchester, Macclesfield, Stockport, and other large towns being among the number. Until my hon. Friend the Member for Newcastle (Mr. Cowen) recently raised the question no doubt has, as far as I know, been raised in Parliament, in the country, or by a single ratepayer as to the legal sufficiency of Clause 12 to carry out the intention of Parliament to enable localities to have school boards, if they desired, simply for compulsion and payment of fees. The Lord President stated last week to a deputation at which my noble Friend was present, that the only way properly to test the correctness of their views as to Clause 12 was for a ratepayer to try the matter in a Court of Law. I need not say that we have given careful consideration to the views of my noble Friend and the other hon. Members who share them; but, as we cannot see any reason to believe that the Government and the country have been under a misapprehension on the subject for the last five years, and as the intention of Parliament is beyond dispute, we do not consider that we should be justified in unsettling the country on this important point by referring the matter to the Law Officers of the Crown, whose opinion, it must be remembered, would not be final. It is obvious that we must act in a case of this kind on our independent judgment

of what is right, sorry though we are if that judgment prevents us, as in this matter, from complying with the wishes of some of our Friends.

#### INDIA—THE GUIKWAR OF BARODA. QUESTION.

MR. ALEXANDER M'ARTHUR asked the Under Secretary of State for India, If he is now in a position to inform the House whether the Secretary of State has sent instructions to Calcutta that the legal advisers of the Guikwar should be allowed access to him; and, if so, whether he will explain the nature of the regulations to be observed at such interviews?

LORD GEORGE HAMILTON: Sir, political circumstances render it necessary to keep a certain restraint over Mulhar Rao, but the Secretary of State, after consultation with the Government of India, has decided to allow the legal advisers of Mulhar Rao access to him under certain conditions. They must state to the Government of India the business upon which they wish to see Mulhar Rao. Dr. Seward, who is in attendance upon Mulhar Rao, will then inform him that his legal advisers wish to see him, and if he expresses a wish for an interview, it will be allowed in the presence of a Government officer.

#### ARMY—CASE OF THOMAS DUFFY— CURRAGH CAMP.

##### QUESTION.

MR. MELDON asked the Surveyor General, What was the date of the Agreement containing the terms and conditions under which Thomas Duffy became Brigade Sutler at the Curragh Camp, and between what parties was such contract made; whether there was any other Agreement to which Duffy was a party containing any terms or conditions having reference to such an appointment; and whether there is any objection to lay a Copy or Copies of such Agreement or Agreements upon the Table of the House?

LORD EUSTACE CECIL: Sir, the Agreement containing the terms and conditions under which Thomas Duffy became brigade sutler at the Curragh Camp was entered into in 1855 between Thomas Duffy on the one part and the Quartermaster-General and the War Department on the other. It has reference to the Canteen at Curragh Camp,

and there is a Clause that the buildings should be removed at 14 days' notice, and in the event of the notice not being complied with they were liable to be removed by the War Department and become their property. It is not the ordinary custom to lay upon the Table Correspondence relating to a matter of this kind, and I do not propose to depart from the ordinary practice.

PARLIAMENT—PUBLIC BUSINESS.  
QUESTION.

THE MARQUESS OF HARTINGTON: I wish, Sir, to ask the right hon. Gentleman opposite whether he will tell the House what Business will be proceeded with to-morrow at the Morning Sitting?

MR. DISRAELI: Sir, it is impossible for me to answer the Question of the noble Lord until I see what progress we make in Committee on the Labour Bills.

EMPLOYERS AND WORKMEN BILL.  
(*Mr. Secretary Cross, Mr. Attorney General, Sir Henry Selwin-Ibbetson.*)

[BILL 203.] COMMITTEE.

Order for Committee read.

Bill considered in Committee.

(In the Committee.)

Clauses 1 and 2 agreed to.

Clause 3 (Power of county court as to ordering of payment of money, set-off, and rescission of contract, and taking security).

MR. HOPWOOD moved, in page 1, line 15, after "workman," to insert "or a master and apprentice." He moved the Amendment for the purpose of raising the question as to whether the Committee would continue the old law as between master and apprentice with respect to imprisonment for breach of contract when it had abolished the old law between employer and employed. He did not see why a punishment should be awarded to younger men which was not to be meted to adults. He wished to see "workman" and "apprentice" placed on the same footing in relation to the employers, the non-performance of a contract being treated in either case as a civil offence only.

MR. ASSHETON CROSS was glad to have this question discussed at this early stage inasmuch as when it was disposed of it would decide several Amendments which had been placed on the Paper. He hoped the Committee would not assent to the Amendment.

*Lord Eustace Cecil*

If the apprentice were placed on the same footing as a full-grown workman in regard to the making of a contract the master would be unable to bring the slightest pressure to bear upon him, if the need should arise. The object of the Bill, so far as it affected the apprentice, was to ensure correctional discipline, which would be for his good when he grew up. An apprentice was not to be allowed to leave his master in case fault was found with him. For the first time in history the employer and workman met, under this Bill, on absolutely equal terms; but the relations between the master and apprentice were totally different; the master must not only instruct the apprentice in his trade, but being his teacher must have leave to correct him, and when he committed a fault to scold him, but this he could not do if the Amendment were adopted.

*Amendment negatived.*

MR. TENNANT proposed, in page 2, sub-section 3, line 11, after "unperformed," to insert "with the consent of the plaintiff," the object being to introduce into the law mutuality of contract.

*Amendment agreed to.*

MR. MUNDELLA moved, in page 2, sub-section 3, line 14, to leave out from "The security" to end of the Clause, and insert—

"The security shall be an undertaking by the defendant and one or more sureties that he will perform the contract, subject on non-performance to the payment of a sum to be specified in the undertaking."

As the Bill stood the workman might become surety for himself that he would perform his contract, and if he failed to appear at his work he was liable to one month's imprisonment. This was quite contrary to the spirit of the Bill as shadowed forth by the speech of the Home Secretary on its introduction, when the right hon. Gentleman said he desired that a workman should not be sent to prison for breach of a civil contract. In Ireland and Scotland there was no such thing as imprisonment for debt awarded for breach of civil contract, but by this Bill they were constituting imprisonment for that breach both in Ireland and Scotland.

*Amendment proposed,*

In page 2, line 14, to leave out from the word "defendant," to the end of the Clause, in order to insert the words "and one or more sureties that he will perform the contract, subject on

non-performance to the payment of a sum to be specified in the undertaking."—(*Mr. Mundella.*)

**MR. ASSHETON CROSS** said, this matter had been under consideration for some time, and he thought the clause would work better for master and man if it were left as it now stood. It should be remembered that none of this machinery would come into operation until the Court was in a position to award damages. If, instead of an order for damages being made against him, the man said he was willing to come under an obligation for the specific performance of the contract, and was willing to give security to that effect, then the Court might order specific performance. If he failed to fulfil the contract, and if either he or his surety did not pay the sum mentioned in the order, then he might be sent to prison for one month.

**MR. W. E. FORSTER** was sorry to hear the conclusion to which the right hon. Gentleman had come. He was of opinion that the clause as it stood would create a feeling in the minds of the working classes that great injustice had been done to them as a class; and it would practically be a restoration of imprisonment for breach of contract. If a division were persisted in he should vote for the Amendment.

**MR. ASSHETON CROSS** said, this matter had been discussed before Commission and Committee, and the working men had not the smallest objection to his view of it; but if the Amendment of the noble Lord (Lord Robert Montagu) were accepted there could not be the shadow of a grievance.

**MR. MUNDELLA** said, everybody understood the Amendment on the Paper would be introduced; but he must assure the right hon. Gentleman that working men were really anxious that these two sections should be removed, and that the remedy should be an ordinary County Court remedy; and, with the addition of a surety provided by the working man, he could not see why the Home Secretary should object. He should press his Amendment to a division.

**SIR HENRY JAMES** said, the power of imprisonment given by the clause was no guarantee to the surety who might have become responsible for the payment of the fine imposed by the County Court Judges, because the plaintiff might at once proceed against the surety, so that it would be a barren gratification to place the debtor in prison; but if the debtor

were imprisoned we should be returning to that imprisonment for debt which we had abolished, with this distinction—that imprisonment would extinguish the debt; and so the working man would be placed in a position different from that of any other debtor, who could be imprisoned only if he had the means to pay and did not do so.

**MR. ASSHETON CROSS** said, the hon. and learned Gentleman had entirely misconceived the object of the clause. It did not propose to imprison a man for debt, but having been fined for a breach of contract, and allowed to return to his work, if he did so a second time then he was liable to imprisonment.

**MR. HOPWOOD** understood the clause to mean this:—A man was brought before a magistrate or a County Court Judge for violating his contract with his employer, and was told that he might, if he chose, return to his work, subject, however, to a penalty of £5. Then, if he committed the breach of contract a second time, he was to be sent to prison.

**LORD ROBERT MONTAGU** said, imprisonment would be just if a man broke his contract a second time, and, though having the means, refused to pay the damages; but if a man went to prison that would be a bar to all execution against the surety, so that a master would be most unwilling to press for imprisonment.

**MR. SERJEANT SIMON** gave the right hon. Gentleman the Secretary of State for the Home Department the greatest possible credit for the ability and zeal he had manifested in connection with the Bill. But he submitted to him that while anxious to do the working man justice, he was placing him by this clause in an invidious position, by declaring that he alone in the community should be liable to imprisonment for a breach of contract.

**MR. ASSHETON CROSS** said, that no one had contended for the interests of the working men more steadfastly than Mr. Crompton; but in reply to a question from Sir Montagu Smith, who asked—"whether, failing specific performance, he would object to imprisonment as an alternative?" Mr. Crompton replied that he would not. Now, he (Mr. Cross) did not go so far as this. He wished to state that no man could have an order for specific performance made against him, except by his own consent.



SIR WILLIAM HARCOURT said, he did not object to the opinions of Mr. Crompton, but surely Members of the House of Commons might be permitted to discuss this clause, and to point out how it failed to carry out the expressed intention of the Home Secretary. Though the Bill abolished imprisonment for original breach of contract, they still, after a certain number of processes, came to imprisonment for non-performance of contract.

THE ATTORNEY GENERAL contended that there was a misapprehension as to the effect of the provision under discussion. He would remind the Committee that imprisonment consequent upon a breach of a defendants undertaking to perform his contract was in no respect consequent upon non-payment of damages; the order for performance of the contract was an alternative for the order for payment of damages and the power to make such an order was introduced entirely in the defendants interest; for, in the first place, the power could not be exercised unless the defendant had put himself in the wrong by a breach of his original contract, so that an order for damages could be made against him; in the next place, such an order could not be made unless the defendant consented to it; and, thirdly, he only became liable to imprisonment upon his committing a breach of his undertaking, in other words, upon his again committing a breach of his contract. If, having once broken his contract and incurred the liability of having an order made against him for payment of damages, he for his own purposes, and to avoid such an order and its consequences, availed himself of the opportunity of undertaking to perform the contract, it surely did not appear a very severe penalty to impose a limited period of imprisonment upon him in the event of his not abiding by it.

MR. MUNDELLA thought the right hon. Gentleman made a great mistake in quoting the testimony of Mr. Crompton, because his Amendment was submitted to him, and he gave it his warm approval. He contended that the clause did not place the masters and workmen on an equal footing.

MR. LOWE was of opinion that one of the principles of the Bill, as stated by the Home Secretary, was that the failure of a workman to perform his contract should not be considered an offence; but

according to this clause that failure was to be treated as an offence, and the right hon. Gentleman was condemned on the very ground upon which he professed to act. He hoped the Committee would not introduce a barbarous principle of that kind of slavery which compelled a man to make himself liable for contempt of Court if he failed to do what was required of him, and which he might not be able to do. This was a very melancholy beginning for a Bill which he himself had believed to be founded on principles of fairness and justice.

MR. FORSYTH considered that the workman would have the option of performing the work or of going to prison.

MR. GOLDSMID thought that a reasonable alternative would be the doing of the work, or the payment of a fine for not doing it. A man ought not to be sent to prison for non-performance of a contract.

THE SOLICITOR GENERAL said, a man was not to be sent to prison because he did not perform his contract, but for not completing the undertaking into which he had entered with the Court. The Bill did not revive imprisonment for debt; but it allowed the workman to enter into a contract and to give an undertaking to the Court, and if he did not carry out that undertaking he would be liable to be dealt with in the same manner as other parties committing contempt of Court.

SIR HENRY JAMES observed, that a defendant under the Bill would be the only defendant who in any Court could be imprisoned for non-payment of a sum of money which he had not the means of paying.

THE SOLICITOR GENERAL said, if a man promised in a Court of Civil Jurisdiction to do a particular thing, and neglected to do it, he was liable to be sent to prison; not because he was a debtor, but because he was guilty of contempt of Court. It did not appear to him that the payment of a sum of money had anything to do with this matter.

MR. W. E. FORSTER observed, that if a man undertook to go back to his work and did not do so that might be a wrong act, but it was not settled that it should be considered a crime. He repeated his opinion that the proposal would put back a workman into the position he now occupied, the only difference being that he would henceforth get a legal warning.

MR. RUSSELL GURNEY pointed out that the clause was applicable to employers as well as to workmen. Moreover, it would not come into operation at all except at the request of the defendant. And even if the defendant, after all, neglected to perform his contract, he would not, as a matter of course, be sent to prison, but would only be liable to imprisonment, not for a month, or any other special term, but until he paid the penalty.

MR. ASSHETON CROSS remarked that the clause had been introduced solely in the interest of the workman, and in order to induce the master sometimes to forego his claim for damages.

Question put,

"That the words 'to perform his contract,' in line 14, to the word 'undertaking,' in line 16, stand part of the Clause."

The Committee *divided*:—Ayes 182; Noes 162: Majority 20.

LORD ROBERT MONTAGU moved, in page 2, line 21, to leave out "fail" and to insert "refuse or neglect." If a man refused or neglected to perform his contract he should be sent to prison, and that imprisonment would serve as a bar to the debt.

*Amendment agreed to.*

MR. SERJEANT SIMON said, that notwithstanding the division which had just taken place, he should move that the maximum term of imprisonment should be one week instead of one month, so as to mitigate the severity of the clause.

MR. ASSHETON CROSS said, that this clause was so entirely in favour of the working men that he was sorry a false colouring should have been given to it. He was, however, prepared to meet his hon. and learned Friend to the extent of substituting 14 days for a month.

MAJOR O'GORMAN said, there were two parties to a contract, and here only one was subject to imprisonment for breach of contract; there was no imprisonment for the employer.

MR. ASSHETON CROSS said, the clause was so drawn that both parties were subjected to precisely the same punishment.

MR. RITCHIE said, he had voted against the Government in the last division, and though 14 days would certainly be better than one month, he thought it would be more satisfactory if

the Home Secretary would withdraw the power of imprisonment altogether.

MR. W. E. FORSTER did not give the Home Secretary credit for having drawn this clause entirely in the interest of the workmen, and he hoped that after the division which had been taken on the Motion of the hon. Member for Sheffield (Mr. Mundella) his right hon. Friend would re-consider the clause with the view of seeing whether it could not be withdrawn altogether.

MR. NEWDEGATE hoped the Home Secretary would do nothing of the sort but adhere to the clause. It was quite right to mitigate the penalty, but why should contracts between workmen and employer be put upon a different footing from contracts between other people?

MR. ASSHETON CROSS said, that under the law as it now stood, if a man broke his contract and damages were assessed, if he did not pay the money he might be sent to prison for six weeks. But under the present Bill, if a man said he would rather go back to his work he could do so.

MR. GREGORY agreed with the hon. Member for North Warwickshire (Mr. Newdegate) that if imprisonment in these cases was abolished it would be an absolute exception to the law, and put masters and workmen upon a different footing from any other persons. Nothing was more common than for the Court of Chancery to be asked to require specific performance of a contract. Supposing a man contracted to construct a railway or to build a house according to a contract and specification, and failed to do so, the Court of Chancery could order specific performance of contract, and if the order was disregarded, the Court could send him to prison; but his workmen might break their contract with him, and if this clause were omitted they would not be liable to be sent to prison, the law thus making a difference in favour of the workmen to the prejudice of the master.

SIR WILLIAM HARCOURT remarked that the question was whether they were now for the first time proposing to put the whole of the working class into Chancery. Specific performance had never been applied to contracts of this character, and the Home Secretary, in introducing the Bill, expressly disclaimed any intention of doing it. He hoped that, although the Home Secretary had agreed to substitute 14 days

in lieu of a month, it would not be understood that the Committee were precluded in subsequent stages of the Bill from contesting the principle of imprisonment altogether.

Amendment, as amended, *agreed to*.

LORD ROBERT MONTAGU moved, in page 2, line 24, to add—

“Which full term of imprisonment, anything in ‘The Summary Jurisdiction Act,’ and ‘The Debtors Act, 1869,’ to the contrary notwithstanding, shall be in satisfaction of the order, and a bar to and execution or distraint on goods and chattels.”

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 4 (Jurisdiction of Justices in disputes between employers and workmen).

MR. HOPWOOD moved, in sub-section 2, page 2, line 37, to leave out “from incurred,” to end of sub-section and insert—

“Costs which the court is hereby empowered to grant or refuse, but not exceeding the sum allowed to the county court scale, and.”

MR. ASSHETON CROSS intimated that it was his intention to bring up a Schedule for regulating those costs.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 5 *agreed to*.

Clause 6 (Powers of Justices in respect of apprentices).

MR. BURT proposed an Amendment, the object of which was to place masters and apprentices on the same footing as regarded the liability to imprisonment for wilful breach of indentures.

MR. ASSEHETON CROSS said, his sole object in framing the clause as it stood was for the purpose of keeping up discipline in the case of the apprentices. The boy was under discipline but the master was not. As the law at present stood the master could be imprisoned by the justices if he refused to fulfil a specific contract.

Amendment *negatived*.

MR. SERJEANT SIMON moved, as an Amendment, that the term of imprisonment to which a defaulting apprentice became liable should be altered from a month to a week.

MR. ASSHETON CROSS said, he was willing that the term should be changed to 14 days.

Amendment, as amended, *agreed to*.

Clause, as amended, *agreed to*.

*Sir William Harcourt*

Remaining clauses *agreed to*.

MR. MUNDELLA proposed, after Clause 4, to insert the following new clause:—

“A county court or a court of summary jurisdiction, acting under this Act, shall have jurisdiction to enforce payment of fines or forfeitures payable under any agreement between an employer and a workman; and any such fines or forfeitures shall not be stopped or deducted by any employer out of wages accrued due before the default in respect of which the fine or forfeiture is payable.”

The hon. Member said, that in textile manufactories a very large percentage of those employed were women and children. These latter were often subjected to the operation of certain printed rules of a harsh and arbitrary character, the effect of which was to forfeit whatever wages might be due to them should they be absent from illness or in any other way transgress the regulations. He could, if necessary, mention 50 cases of this kind. In one case a woman who had lost her husband in the night, being unable in consequence to go to work before 7 instead of 6 o'clock in the morning, she forfeited 10 days' earnings which were due to her, and on the case coming before the magistrates they said the case was a very hard one but they had no power in the matter. This was a condition of affairs which required alteration, and he hoped his Amendment would be accepted.

MR. ASSHETON CROSS promised to consider the matter before the Report was brought up.

MR. MUNDELLA said, that as he believed the Home Secretary was desirous of doing what was right in this case, he should rely entirely on his sense of justice to see that a clause, which would meet the object in view, was inserted in the Bill on the Report. He should, therefore, withdraw the clause he had proposed.

Clause, by leave, *withdrawn*.

MR. ASSHETON CROSS proposed to add to the Bill a new clause to enable Justices to mitigate the penalty imposed by any Act relating to employers and workmen by reducing it to one-third of the sum named.

Clause *agreed to*, and *added to the Bill*.

House resumed.

Bill reported; as amended, to be considered upon Thursday.



CONSPIRACY AND PROTECTION OF  
PROPERTY BILL.*(Mr. Secretary Cross, Mr. Attorney General, Sir  
Henry Selwyn-Ibbetson.)*

[BILL 204.] COMMITTEE.

Order for Committee read.

MR. LOWE, who had given Notice to  
move—

"That it be an Instruction to the Committee on the Bill that they have power to amend the Criminal Law Amendment Act, 1871,"

said, he was informed that it would not be in Order to move that Instruction, because the Committee had already power to amend the Act in question. He should therefore only now state that he proposed in Clause 4 the omission of the words—"where a workman is employed," &c., and the substitution of—"where a person is legally bound, and is able to perform any duty," &c.

Bill considered in Committee.

(In the Committee.)

Clauses 1 to 3 inclusive, *agreed to*, with verbal Amendments.

Clause 4 (Breach of contract by workmen employed in supply of Gas or Water).

MR. LOWE said, the Amendment which he was about to move to the clause was proposed in no adverse sense to the spirit of the Bill. He wished, in fact, to adopt all the Home Secretary proposed, only to extend the principle further. He thought it a very sound and good principle of legislation that those who made laws should be subject to them wherever that was possible, because people would legislate more carefully and equitably if they considered that they were making laws for themselves as well as for others, and because, also, by making their laws wide and general they were more likely to make good and sound laws than if they limited themselves to small sections of the community where petty prejudices and animosities might easily mislead. Therefore, he held that nobody would dispute that it was a sound principle that when they were making a penal law, as in the present case, they should make that law as wide as possible, and avoid picking out a particular class and subjecting them to penalties from which the rest of the community were free. He thought that was more especially the

case when it fell upon the humbler classes of the community. Everybody must feel that it was extremely desirable that there should be one law for both the rich and the poor, and that there should be no ground given for the accusation or the suspicion that they were passing laws for their poorer fellow-countrymen to which they themselves would not be willing to submit. All, then, which he asked the Home Secretary to do was to apply this general principle in two cases. One was the section under consideration, which punished workmen for the abandonment or breach of a contract, whereby the supply of gas or water by a municipality might be interfered with; and the other was where a workman by breach of his contract of service would expose valuable property, real or personal, to destruction. He was perfectly willing to adopt those principles, but there was a third that ought to be added, and that was where human life was placed in danger. But what he wanted was that it should not be limited to breach of contract or to working people, but that wherever it was a man's duty, by contract or otherwise, to do a particular thing, and by abandoning that duty without reasonable excuse, he did any of the three things specified, he should be punished. He could imagine a contractor entering into a contract to do certain repairs, and wilfully and negligently forbearing from putting his men on to work upon which he was engaged, thus causing some serious catastrophe. He did not know why, because he was a contractor, he was to be exempted from the punishment to which in such a case a workman would render himself liable. He thought the right hon. Gentleman would see the justice of the case as clearly as it appeared to him, and that he would not be blind or deaf to the consideration that it was very important to teach the working men to consider that they were not a class apart from the rest of the country—that what we did for or against them we were willing to do for or against ourselves if we fell into a similar fault. He wished to establish that principle, and to give it a larger application in the case of the Criminal Law Amendment Act, giving the working classes thoroughly to understand that they should be treated with the most perfect equality and justice. He moved to omit the

clause—"where a workman is employed by a municipal authority or other public body," &c., and to insert—

"Where a person is legally bound and is able to perform any duty the immediate and probable consequences of the neglect of which would be to deprive the community of a supply of gas or water, or shall expose property of the value of £100, or endanger human life, such person, if he abandons that duty without reasonable excuse, shall on conviction," &c.

THE CHAIRMAN observed that the Committee could only discuss the new clause after the clause in its present shape had been disposed of. It was perfectly competent to the Committee to strike out the 4th clause and substitute that of the right hon. Gentleman; but the present clause must first be disposed of.

Amendment proposed, in page 2, line 5, to leave out "workman," and insert "person."—(*Mr. Lowe.*)

MR. ASSHETON CROSS said, he quite admitted the general principle the right hon. Gentleman had laid down, that it was always wise, if you could, to have a general, instead of a particular, law; but persons who were brought under a particular law must not fancy they were singled out because of something objectionable in them or their calling. The simple explanation was, that the relation to the public they had undertaken required special legislation, which did not, as a rule, affect others who were not so employed, and there were numerous instances of persons occupying such relations who had never felt or suggested that special legislation was a grievance. There were many laws, criminal as well as civil, relating to bankers, brokers, merchants, factors, carriers, bailees, trustees, the Army, the Navy, railway servants, and others whose special relations required to be specially dealt with, and by dealing specially with them, you could often deal much more fairly by the general public. It often happened that persons belonging to these special classes, if they committed certain offences, required to be punished either with more or less severity on account of the position they occupied, which might impose upon them greater responsibilities; and if we were to generalize the law and say that all persons should be subjected to equal punishment for like offences we might inflict hardships much

more grievous than any we removed. An illustration of this was furnished by the offence of embezzlement committed by a servant in whom special trust was reposed. The moving of this Amendment had a tendency to complicate the discussion of this particular question, and he was obliged to refer to the next section in order fully to discuss it. By that clause, which provided for a breach of contract involving injury to property, there was a distinct relation between the employer and the employed. The workman was specially trusted with a certain special employment, and he knew that if he broke it special danger would be the consequence, and in the clause then under consideration the special danger would be to the public at large. The right hon. Gentleman asked why the clause was not made applicable to all contracts. The tendency of modern legislation had been to withdraw these contracts as much as possible from the grasp of the criminal law; but the right hon. Gentleman proposed by this Amendment to take a most retrograde step in legislation, and make everyone who entered into a contract and wilfully broke it amenable to the criminal law, and not confine it to contracts of service, and the result would be that attempts would be made, with the aid of the criminal law—if so amended—to enforce contracts that ought only to be so by the civil law. At present they frequently saw persons indicted who ought not to be for embezzlement, which were only attempts to enforce the criminal law. To adopt that principle in all contracts would be a most retrograde step. He entirely objected to that principle. There were numberless precedents for this kind of legislation. Take, for instance, the Army, and the Navy, and the Police, where there was special legislation by the Mutiny Act to prevent danger to the state. Persons employed on railways were also governed by special acts, and suffered punishment if they did anything that practically tended to public danger. This clause was drawn precisely on that analogy. No one particular class was singled out, and upon that ground, whilst appreciating the spirit of the right hon. Gentleman's wish, it would be most dangerous to extend the criminal law as he proposed, and therefore he must oppose the Amendment.

*Mr. Lowe*

SIR WILLIAM HARCOURT said, the only question before the Committee was whether the clause should be applied to everybody or only to workmen. It was said that it was desirable in the public interest that persons who had duties to perform in connection with gas and water works, and who wilfully and maliciously broke their contracts, should be liable to certain penalties; but why not say that all persons whose duty it was to supply gas and water should be punished in a similar manner, instead of speaking only of workmen? Suppose the coal merchant or the coal owner broke his contract and did not deliver coal, and the consequence was a town was not supplied with gas, why was the workman who did his work to go to prison and the coalowner not? That was a clear question, one upon which the working classes would form an opinion. They would say—"Gentlemen sitting in the House of Commons, many of them coal owners, have passed a law which touches us and does not touch themselves; a coalowner may break his contract because coal rises in price, without going to prison; and, at the same time, a working man, who breaks his contract, may be sent to prison." If "person" instead of "workman" were inserted in this clause, it might be preserved in its present form, and, by omitting contracts of service, it might be made applicable to every class of the community. Suppose, instead of being a "workman," it was the overseer who was guilty of a breach of duty. [Several hon. MEMBERS: He is treated as a workman.] If that were so, if workmen covered everybody engaged on the work, what objection could there be to substituting "person" for "workman?" Either the word "person" was not objectionable or else the word "workman" excluded somebody whom "person" would include.

MR. ROEBUCK said, with regard to a wilful and malicious breaking of contract, that the rule was made because the workman was the person who committed the injury stated. The coalowner could not do it, or if he did it he must come within the meaning of the words "wilfully and maliciously break his contract." The offence could be easily proved in the case of the workman, who, entering into conspiracy with his fellow-workmen at a certain time and on a certain day, left a town in darkness; but

not so in the case of a coalowner who failed to supply a certain quantity of coals. By making the law too broad they missed their men. In the endeavour to include everybody they missed all.

THE ATTORNEY GENERAL said, the Amendment proposed by the right hon. Gentleman to insert the word "person" instead of "workman," and which was the only Amendment formally under the consideration of the Committee, was not so objectionable as were the suggested further Amendments referred to by him in proposing it. The object of the clause was to remedy a specific evil; a case of probable or possible misconduct in relation to a particular species of employment, that connected with the supply of gas and water, and in respect of which the breach of duty might lead to the most lamentable consequences.

MR. DODSON observed that the Amendment reduced itself to this—where any person engaged in work, and under an obligation to contribute his share towards the supply of the town with gas or water, broke that obligation, he incurred a different punishment, according to his station in the manufactory in which he was engaged, whether he was an overseer or a workman. Now it appeared that the principle adopted by the Government was an equal treatment of all persons, whether employers or employed.

MR. ASSHETON CROSS said, that the three speeches they had heard from the front Opposition bench advocated the Amendment on different grounds. The case as put by the right hon. Gentleman (Mr. Lowe) was very intelligible, but quite different from that put by the hon. and learned Gentleman (Sir William Harcourt) and the right hon. Gentleman (Mr. Dodson). There could be no possible objection to substitute the word "person" for "workman" if the clause were not to be extended beyond those who were bound by some contract. He therefore assented to the Amendment, on the understanding that he was not to be led into the snare provided by the right hon. Gentleman in the rest of his Amendment.

After a few words from Sir HENRY JAMES,

MR. ASSHETON CROSS said, it was unfortunate that, in consequence of the course taken by the right hon. Gentle-



man, the Government were now called upon to argue this question on a clause which was not upon the Paper. The overseers and others in the employment of the company ought to be just as much bound by their contract as the workmen.

MR. ROEBUCK reminded the Committee that after all there was no difference between the meaning of the two words. The persons employed must be working men, whether they were called on to supply either gas or water.

MR. W. E. FORSTER was glad the right hon. Gentleman accepted the Amendment, because he could not see why the workmen should be placed in a different position from contractors or others engaging labour. He hoped that the Home Secretary would so far alter the clause as to make it applicable to all persons who broke a contract for supplying a town with gas or water.

*Amendment agreed to.*

MR. LOWE said, that the words "employed by a municipal authority" had no meaning. Why was it worse to break a contract where a municipal authority or public company were concerned than in other cases where there might be no Act of Parliament? If those who undertook the duty violated it, what did it signify what particular form of municipal government or organization existed? He accordingly moved, in page 2, line 5, to leave out the words "employed by a municipal authority," and insert "on whom is imposed the duty."

Amendment proposed, in page 2, line 5, to leave out the words "employed by a municipal authority."—(*Mr. Loice.*)

MR. ASSHETON CROSS objected to the Amendment, believing its effect would be to neutralize the purpose of the Bill. The object in view would be secured by the adoption of the Amendment of his hon. Friend behind him (Mr. Tennant)—namely, the insertion of the words, "or who under any charter, incorporation, or otherwise, have assumed the obligation" of supplying gas or water. That Amendment he was prepared to accept.

SIR WILLIAM HARCOURT pointed out that, under this clause, punishment could not be enforced for failure of gas or water supply, in the case of towns like

*Mr. Assheton Cross*

Oxford, where such supply was given neither under a municipal authority or under an Act of Parliament; and he inquired why all persons ought not to be included who caused public inconvenience in matters of this kind.

MR. DODSON did not think that the words of the hon. Member (Mr. Tennant) would meet the case of those who undertook to supply gas or water by voluntary agreement.

MR. TENNANT said, it would be met by the words "or otherwise."

THE SOLICITOR GENERAL said, that if the Amendment of the right hon. Gentleman the Member for the University of London were adopted, one great object they all had in view would be defeated, as workmen employed by gas companies, who conspired together and left their work at a moment's notice would not be reached by the clause.

MR. SERJEANT SIMON suggested a form of Amendment which would make the clause applicable to all persons bound by contract, whether of service or otherwise.

MR. HERMON hoped that the House surely would adhere to the original wording of the clause, with the addition of "or any contractor."

MR. ASSHETON CROSS said, he would not object to amend the clause by making it applicable to persons employed by a municipal authority or public company, or by any company or contractor, upon whom was imposed by Act of Parliament the duty, or had otherwise undertaken the duty, of supplying gas or water.

MR. W. E. FORSTER said, that what was desired was that the same punishment which it was proposed to apply to *employés* should be applied to employers.

SIR HENRY JAMES said, that if they struck out the words "contract of service," it would deprive the clause of the appearance of being directed against one class of the community. He would suggest that the clause should be worded to the effect that if a person wilfully and maliciously broke a contract, the non-performance of which would do injury to the inhabitants of a city, borough, or town, he should be liable to punishment.

MR. ASSHETON CROSS thought the adoption of the suggestion of the hon. and learned Member for Taunton would be an uncalled-for extension of

the Criminal Law. His object was not to deal with contracts generally, but with those who had engaged in a contract for a special and particular service of great public importance.

Mr. **HARDCASTLE** hoped the Committee would adhere to the clause as it stood. He thought the adoption of the Amendment would be an excessive extension of a penal statute.

Sir **WILLIAM HARCOURT** denied that on that side of the House they had any desire to extend the Criminal Law. The working men complained that they had been subject to exceptional legislation; and if they passed this Bill, as it stood, it would still leave that impression on their minds. The Bill would not be worth the paper it was written upon if it left that impression. The meaning of the clause was that men who were under contract of service were to be treated in a different manner, and were to be subjected to severer penalties, than men who were under other contracts. The right hon. Gentleman shrank from extending this legislation to other classes, because the moment they were touched by it, it would be impossible to carry it out, and what he desired was that the country should know that the Home Secretary was proposing to apply this legislation to a particular class. The Government were bringing in this Bill, not because they were particularly fond of it, but because the country had forced it upon them. If this Bill was allowed to pass in its present shape, it would practically re-enact the Master and Servant Act in a new form.

Mr. **ASSHETON CROSS** said, he was not going to be led by the speech of the hon. and learned Member into what he thought would be most unfortunate—a political struggle on this matter. The object of the hon. and learned Gentleman opposite (Sir William Harcourt) and of himself (Mr. Cross), as well as of the Committee, was that this question should be settled, and it was a great mistake to introduce political element into it. The language of the hon. and learned Gentleman was not the language of working men. This matter had been discussed by them and fought from end to end. Pamphlets had been written on it. He denied that the present Bill could in any accurate sense of the word be described as class legislation. It was simply legislation arising out of the relations borne by

certain persons, who were not workmen, to the public. The clause had simply been inserted in the Bill in order to avoid the danger to the public which might arise from the action of these persons. Mr. Crompton had written very thoughtfully on this question, and he fully carried out the view that the particular proposal under discussion was not one which could be regarded as class legislation. The sole desire of the Government was to do only that which was necessary for the safety of the public.

Mr. **W. E. FORSTER** said, the right hon. Gentleman had not fully met the point that had been raised. In the interest of the public the Government proposed to punish criminally workmen engaged in water or gas works who broke their contract; and what they desired was that the same principle should be applied to other persons connected with these works who, by breach of contract, caused danger or injury to the public.

Mr. **MUNDELLA** said, a breach of contract in this case was made criminal because it affected two important necessities of life; but why should the poor workmen be subjected to penalties, and the gas companies, or any other contractors, be exempt? The whole sting of the Bill was that it applied to workmen only. He trusted the Government would accept the Amendment.

Mr. **WALTER** said, he was not sure that the Committee exactly understood the question on which they were about to divide, because it seemed to him that both the hon. and learned Member for Oxford and the hon. Member for Sheffield had overstated their case. He agreed in thinking that both gas and water companies, and their *employés*, ought to be held responsible for their neglect; but, as he understood the two hon. Gentlemen to whom he had referred, they wished to extend the responsibility to the persons who supplied the companies with coal or other materials necessary to enable them to carry on their business operations. The view entertained by the hon. Members amounted to a wish to apply the principle of the Mutiny Act—which governed the whole Navy, from the Admiral to the humblest seaman, to the contractor who supplied the Fleet with beef. On the whole, he thought the clause should not be strained so as to extend to third

persons, but should be confined to the companies whose duty it was to supply the public with gas and water, and to their servants.

THE MARQUESS OF HARTINGTON thought the clause, as proposed to be amended, would not deserve the criticism passed upon it by his hon. Friend the Member for Berkshire, in that it would not include the owners who supplied gas or water companies with coal. The Opposition were willing to give the Home Secretary credit for wishing to settle the question in a satisfactory manner; but if they thought that his clauses did not carry out his own object, he did not know that they could point out their consequences in any other way than by saying so. The right hon. Gentleman had accused them of desiring to extend the Criminal Law to contracts of various descriptions; but he (the Marquess of Hartington) wished to remind him that it was not the Opposition, but the Government, that proposed to apply it to contracts of this description.

MR. SERJEANT SIMON explained that the clause, as originally drawn, applied only to workmen; but what his Amendment sought to bring about was, that whoever wilfully refused to perform a contract of any kind and by such refusal entailed such consequences as were pointed out in the clause, and did so knowing what the effect would be, ought to be criminally liable whether he was a workman or not.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 127; Noes 108: Majority 19.

LORD ROBERT MONTAGU, in moving the omission from the clause of the words "or public company," said, the clause, as it was framed, stated that if any third party was injured the workman must suffer. The workman, as the Bill now stood, had a remedy against the municipal authority, but he had no remedy whatever against a company. The clause was a creation of the Home Secretary. He Lord Robert Montagu submitted if the company had the power they would use it against the workman.

Amendment proposed, in page 2, lines 5 and 6, to leave out the words "or public Company."  
*Robert Montagu.*

*Mr. Walter*

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 200; Noes 19: Majority 181.

On the Motion of MR. ASSHETON CROSS, Amendment made by inserting the words "or by any company or contractor," after the words "public company," in page 2, line 6.

MR. LOWE then moved the omission, in page 2, line 9, after the words "wilfully and maliciously breaks a contract," of the words "of service," his object being to get a distinct decision as to whether there was to be any new penal legislation between the employer and the employed, which he hoped had been done away with by the Master and Servant Act. In other words, the question was whether a man who wilfully committed a breach of contract should be exempted from punishment because he was not in the position of a working man.

Amendment proposed, in page 2, line 9, to leave out the words "of service."—(*Mr. Lowe.*)

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee divided:—Ayes 123; Noes 98: Majority 25.

MR. BURT moved, to insert in page 2, line 9, after the word "service," the words "and which services are necessary to carry on the operations."

MR. ASSHETON CROSS said, he accepted the spirit of the Amendment, but it had been otherwise provided for.

Amendment, by leave, *withdrawn*.

MR. ASSHETON CROSS moved, in page 2, line 17, at end, add—

"Every such municipal authority or public Company as is mentioned in this section shall cause to be posted up, at the gas or waterworks, as the case may be, belonging to such authority or Company, a printed copy of this section in some conspicuous place where the same may be conveniently read by the persons employed, and as often as such copy becomes defaced, obliterated, or destroyed, shall cause it to be renewed with all reasonable dispatch."

"If any municipal authority or public Company make default in complying with the provisions of this section in relation to such notice as aforesaid, they shall incur a summary conviction on exceeding five pounds for each such default continuing, so unlawfully injured, if notice so posted up as



aforesaid in pursuance of this Act, shall be liable on summary conviction to a penalty not exceeding forty shillings."

Amendment *agreed to*.

Clause, as amended, *agreed to*.

Clause 5 (Breach of contract involving injury to property).

MR. MACDONALD moved, in page 2, line 18, to leave out "an employer or a workman," and insert "any person."

MR. NEWDEGATE trusted that the Home Secretary would retain the words in the Bill.

SIR WILLIAM HARCOURT wished to know why the clause should not be applicable to everybody. He suspected that if it applied to the commercial classes and their breaches of contract, there would be a middle-class rebellion, which would be a very serious thing. It was obvious that the great stress would be upon the employed and not upon the employers, and they ought, therefore, either not make it criminal at all, or otherwise apply it to all classes.

MR. ASSHETON CROSS had already stated that the object of the clause was to meet cases in which property entrusted to the care of a workman would be injured by that workman suddenly leaving such property to its fate. But he had expressly excluded losses to the master caused by his being unable to fulfil his contract owing to the workmen repudiating theirs. This was an enormous alteration of the existing law. He had, however, no objection to the Amendment changing the words "employer or workmen," to "any person."

Amendment *agreed to*.

MR. FORSYTH moved, in page 2, line 21, after "will be," to insert "to cause serious pecuniary loss or." An employer might be under contract to complete certain work by a given time, and the failure to complete it through the wilful or malicious default of his workmen might cause him immense pecuniary injury, yet the clause at present ignored such an offence.

MR. ASSHETON CROSS said, these words would re-introduce the whole mischief complained of in the Master and Servant Act, and would put upon the workmen in an aggravated form the measure of which they now complained.

Amendment *negatived*.

MR. HOPWOOD moved, in page 2, 23, after "injury," to insert "and

such valuable property shall be destroyed or seriously injured."

MR. ASSHETON CROSS said, he could not accept the Amendment.

Amendment, by leave, *withdrawn*.

THE ATTORNEY GENERAL moved the insertion of words which made it an offence under the clause to "endanger human life or cause serious bodily injury."

Amendment *agreed to*.

On Question, "That the Clause, as amended, stand part of the Bill,"

SIR WILLIAM HARCOURT entered his protest against the clause in the form which it had now assumed. It was true that the word "person" had been substituted for "employer" or "workman;" but, to his dismay, the hon. Member for Stafford had failed to move his Amendment for the omission of the words "contract of service," and, consequently, the clause, as it now stood, was worse than ever, being directed solely against the workman. If he thought there was a fair chance of succeeding, he would divide against the clause; but he ventured to predict that it would leave as great a sore open as that which they had endeavoured to close.

MR. MUNDELLA also protested against the change made in the clause, which would have the effect of punishing only the workmen.

MR. GOLDSMID said, all appearance of equality of justice had disappeared from the clause, and he hoped that the hon. and learned Member for Oxford would divide against it.

MR. MACDONALD had not before seen what would be the effect of the alteration; but he would endeavour, on the Report, to strike out the words "contract of service."

Question put, "That the Clause, as amended, stand part of the Bill."

The Committee *divided*:—Ayes 174; Noes 130: Majority 44.

Clause 6 (Power for offender under this Act, or under 34 & 35 Vict. c. 32, to be tried on indictment and not by court of summary jurisdiction).

MR. HOPWOOD said, that as there had been various opinions and conflicting authoritative decisions as to the meaning of the word "coerce," in the interpretation of the Criminal Law Amendment Act, he begged to move, in page

2, line 36, at the end of the clause, that the following words be added:—

“Provided, That the word ‘coerce’ in the said Act shall be construed to mean ‘compel or force otherwise than by persuasion, argument, or other peaceful means.’”

In most instances the higher tribunals had interpreted the word in the sense of his Amendment. That too was the interpretation put upon it by the right hon. and learned Member the Recorder of London and by the Earl of Derby and Lord Cairns in the House of Lords, yet in the recent case of the cabinet makers, and occasionally before justices, it was not followed.

Amendment proposed,

In page 2, line 36, at the end of the Clause, to add the words “Provided, That the word ‘coerce’ in the said Act shall be construed to mean ‘compel or force otherwise than by persuasion, argument, or other peaceful means.’”—  
(*Mr. Hopwood.*)

SIR HENRY JAMES rose to Order. He wished to know if it were competent for the hon. and learned Member to introduce a definition in any clause other than the interpretation clause?

THE CHAIRMAN observed that it was somewhat inconvenient to have such an Amendment brought forward now, and, without ruling that the hon. Member was out of Order, suggested that it would more properly be moved on the interpretation clauses.

MR. HOPWOOD said, he should be sorry to take matter out of the hands of the hon. and learned Member for Taunton, if that hon. and learned Gentleman thought all Amendments should proceed from the first Opposition bench. He regretted if he were on that point guilty of any infringement of Party subordination; but still, from the attention which he had given the subject, he had a right to express an opinion upon it, and unless ruled out of Order he should persist with his Motion.

MR. ASSHETON CROSS urged that the Amendment could not properly be moved on the clause under discussion, and he would not therefore debate it, though fully accepting its importance.

MR. MUNDELLA suggested that the hon. Member might withdraw his Amendment if the Home Secretary would say that he would afterwards give a definition of the term “coerce” in the Bill.

Question put, “That those words be there added.”

*Mr. Hopwood*

The Committee divided:—Ayes 119; Noes 214: Majority 95.

Clause agreed to.

Clause 7 agreed to.

Clause 8 (Penalty on persons drunk and disorderly in factory).

MR. BUTT moved to reject the words in the 2nd section which enforced imprisonment with hard labour on non-payment of a fine in the case of a workman drunk and disorderly within a factory.

MR. ASSHETON CROSS undertook to strike out the words on the Report.

MR. MELDON objected to the clause altogether. Why was this power of apprehending by a constable without a warrant to be exercised in a factory? The clause ought never to have been introduced into the Bill. He would propose its omission.

MR. MUNDELLA doubted if any manufacturers had ever had occasion to complain of the hands coming to the factory drunk and being disorderly there. It was cruelty to suspect men of being guilty of such acts.

MR. W. E. FORSTER, speaking as a factory employer, hoped the clause would be omitted.

MR. ASSHETON CROSS said, the clause had been much pressed upon him, but if factory owners themselves thought it unnecessary he would omit it.

Amendment (*Mr. Butt*), by leave, withdrawn.

Amendment (*Mr. Meldon*), agreed to.

Clause struck out.

Clause 9 (Proceeding before court of summary jurisdiction).

MR. HOPWOOD moved, in page 3, line 20, to add—

“Provided, that upon the hearing and determining of any indictment, information, or complaint under section four, five, and seven of this Act, the respective parties to the contract of service, their husbands or wives, shall be deemed and considered as competent witnesses.”

SIR HENRY JAMES held that in matters of contract, the evidence of the parties was essential.

MR. ASSHETON CROSS said, he would rather discuss this matter in its bearing upon the general law, as exceptions always created confusion. He would not object, however, to the Amendment appearing upon the Report, in order that it might be considered meanwhile.

Amendment agreed to.

Clause as amended, *ordered to stand part of the Bill.*

Clause 10 (General definitions).

MR. MACDONALD moved the omission, in page 3, line 29, of the words "expressed or implied, verbal, or," his object being to confine the operation of the clause to contracts in writing.

MR. SAMUDA said, his long experience convinced him that the adoption of the Amendment would be a serious injury to workmen, who were treated throughout the Bill in the most liberal manner.

*Amendment negatived.*

MR. JACKSON then moved the insertion of the words after "and" in line 30, "the expression 'contract of service' includes contracts of hiring and of employment," and stated that his object was to remove all doubt as to the 4th and 5th clauses being applicable to employers as well as workmen.

THE ATTORNEY GENERAL said, that he would, before the Report, consider the best way of making the clauses applicable to masters, as well as workmen.

*Amendment, by leave, withdrawn.*

MR. PELL, who had an Amendment the object of which was to include piece-work in the operation of the Bill, especially as regards husbandry, expressed a hope that that also would be considered before the bringing up of the Report.

LORD ROBERT MONTAGU moved, in page 3, line 38, to leave out from "any justice" to end, and insert—

"(1.) As respects the city of London, the Lord Mayor or any alderman of the said city sitting at the Mansion House or Guildhall justice rooms; and

"(2.) As respects any police court division in the Metropolitan police district, any Metropolitan police magistrate sitting at the police court for that division; and

"(3.) As respects any city, town, liberty, borough, place, or district, for which a stipendiary magistrate is for the time being acting, such stipendiary magistrate sitting at a police court or other place appointed in that behalf; and

"(4.) Elsewhere any justice or justices of the peace to whom jurisdiction is given by the Summary Jurisdiction Act: Provided, That, as respects any case within the cognisance of such justice or justices as last aforesaid, a complaint under this Act shall be heard and determined, and an order for imprisonment made by two or more justices of the peace in petty sessions sitting at some place appointed for holding petty sessions:

"And Provided, That the consent of Her Majesty's Attorney General or Solicitor General

shall be previously obtained before any cause shall be heard or proceedings taken under this Act."

MR. ASSHETON CROSS assented to the Amendment as far as regarded the words "petty sessions."

*Amendment, as amended, agreed to.*

*Clause, as amended, agreed to.*

*Clauses 11 to 13, inclusive, agreed to.*

Clause 14 (Recovery of penalties, &c. in Scotland).

THE LORD ADVOCATE moved, in page 5, line 23, after "(3)," to leave out to end of line 25, and insert—

"Every person found liable on conviction to pay any penalty under this Act shall be liable, on failure of payment of the same, to be imprisoned, and in the case of the conviction being of an offence under the provisions of this Act, relating to persons being drunk, riotous, and disorderly in factories, with or without hard labour, for a term not exceeding the term for which he might under this Act have been sentenced to be so imprisoned in lieu of being sentenced to pay such penalty, or until such penalty shall be sooner paid."

SIR WILLIAM HARCOURT opposed the Amendment on the ground that it was contrary to what had already been decided with respect to England, and that no distinction ought to be made between the two countries.

THE LORD ADVOCATE withdrew the Amendment, observing that the matter might be considered on the Report.

*Amendment, by leave, withdrawn.*

MR. ASSHETON CROSS said, he thought it might save the time of the Committee if he made a statement to them relating to the new clauses of the Bill. The right hon. Member for the University of London had placed on the Paper a clause to generalize the Criminal Law Amendment Act. It was objected to the earlier clauses of the Bill that the terms used were not general, and it was said that if they were made general a great deal of what was felt to be a hardship would cease to be so regarded. He was extremely anxious that there should not be even an apparent difference of opinion in that House either on one side or the other on that point. He believed that what everybody desired was exactly what he stated when he introduced the Bill; he believed that they did not desire, on the one hand, to see the workman punished unjustly, or on the other to see him having power to



tyrannize over his fellow-workman; and the more he had inquired into the matter the more convinced was he that a great deal of mischief had arisen from persons being singled out in that particular law. He had seen not only men, but also a great number of masters on that subject, and he felt bound to say that the more he had seen of the masters the more he had been struck with the generous way in which they had met the men on matters of that kind, in order that labour and capital might act together, so as to enable this country to compete with other countries. The right hon. Member for the University of London, who had proposed an Amendment dealing with part of the Act, stated some time ago that he thought the using violence to any person or property, or the threatening and intimidating any person in such a manner as to justify the offender's being bound over to keep the peace, should be dealt with in an ordinary Court of Law. Upon that matter he was not entirely in accord with the right hon. Gentleman, because he thought it very necessary that in the face of a statute of this kind it should be made clear that whatever was done in order to be a crime must be done with a view to coerce. Whatever then they did with the first section of the Criminal Law Amendment Act, it should be quite clear upon its face that the act done, in order to be criminal in this way, should be to compel a man to do something, or to prevent him from doing something which he had a natural right to do, and having had a great deal of communication with both men and masters, he thought the whole justice of the case might fairly be met by the new clause he was about to propose. If that were satisfactory to the Committee, he hoped it might be agreed to unanimously, in order to show that there was no feeling on the one side or the other except that of promoting union and amity as far as they could in the relations between employer and employed. The real effect would be that they should have generalized this whole Act of Parliament, and taken it out of the power of these men to make the complaint which they had hitherto made that this was special legislation. In conclusion, the right hon. Gentleman proposed the following clause:—

"Every person who with a view to compel any other person to abstain from doing or to do any act which such other person has a legal

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right to do or to abstain from doing shall use violence to any person or any property, or shall threaten or intimidate any person in such a manner as to justify a Justice of the Peace to bind over such person to keep the peace."

Then there would follow the words of the right hon. Gentleman the Member for the University of London (Mr. Lowe)—

"And any person, who with a view seriously to annoy or intimidate any person, persistently follows such person about, or hides any property owned or used by such person, or deprives him of or hinders him in the use thereof, or watches or besets the place where such person resides or is, or the approach to such place, or with one or more persons follows such person in a disorderly manner in or through any street or road shall, on summary conviction before two justices be imprisoned with or without hard labour for a term not exceeding two months."

MR. LOWE said, the Committee must be very sensible of the attention which the right hon. Gentleman had given to this subject and the pains he had taken to conciliate the reasonable susceptibilities of the working classes. It would, however, neither be respectful to the working classes, nor to the right hon. Gentleman himself, to proceed to discuss this new clause without further consideration, although, as far as he could at present grasp its meaning, he thought the right hon. Gentleman had fairly succeeded in solving the problem. In order that the matter might be thoroughly considered, he would move to report Progress.

MR. MUNDELLA had no doubt the right hon. Gentleman meant to do what was right, but it was obvious that before the Committee could deal with a clause of so much importance it should have the words of it before them. He should wish particularly to know whether it was the intention of the right hon. Gentleman to repeal the Criminal Law Amendment Act, or any portion of it, and whether his clause was in substitution of it, or any portion of it?

MR. ASSHETON CROSS said, he thought the best course would be to place the words of the clause on the Paper, and to consider them at 2 o'clock to-morrow morning. ["No, no.""] He should wish, therefore, to withdraw the clause for the present, and to bring it forward to-morrow, and in the meantime to proceed with the remaining portions of the Bill.

MR. W. E. FORSTER did not consider it would be fair to the —

ber of persons out-of-doors, who were intensely interested in this question, that the Committee should come to a decision upon it to-morrow, and he would therefore suggest Thursday.

MR. MUNDELLA appealed to the Home Secretary not to proceed with the clause before Thursday, as he should wish, for his own part, to obtain a legal opinion upon its construction.

MR. MACDONALD hoped the clause would not be taken before Thursday or Friday, as it was very necessary that the working class should be communicated with on the subject.

SIR CHARLES FORSTER observed that Thursday had been already set apart for other Business.

MR. KINNAIRD hoped the postponement would be long enough to admit of communication with those interested in it in Scotland.

MR. ASSHETON CROSS said, he should withdraw the clause, and a few minutes later he would state when the Government proposed to proceed with it.

Motion and Clause, by leave, *withdrawn*.

MR. ASSHETON CROSS moved a clause repealing, with certain exceptions, the Acts specified in the schedule of the Master and Servants Act, 1867.

Clause *agreed to*, and *added* to the Bill.

LORD ROBERT MONTAGU moved an Amendment to repeal the Criminal Law Amendment Act, remarking that he should take the sense of the House upon it, in order that the workmen might see who were their friends and who were their foes.

MR. BUTT suggested that the noble Lord should not mix up so important a subject as the repeal of the Criminal Law Amendment Act with entirely different matter.

Amendment, by leave, *withdrawn*.

House *resumed*.

Committee report Progress, to sit again upon *Friday*, at Two of the clock.

#### MILITIA LAWS CONSOLIDATION AND AMENDMENT (re-committed) BILL.

(Mr. Secretary Hardy, The Judge Advocate, Mr. Stanley.)

[102.] COMMITTEE.

Committee read.

Committee.

(In the Committee.)

Clause 3 (Appointment of Lieutenants of counties, and certain towns, &c.).

GENERAL SIR GEORGE BALFOUR complained that the present Bill was only a part of the defensive law of the Kingdom, that it was called a consolidating Bill, though changes were made in the laws, and that this course was opposed to the received opinions of those who were qualified to advise that we should include in a consolidating Bill amendments in the law. He also complained that the present Bill repeated clause after clause of the old Acts relating to the deputy lieutenants of counties which were not only useless, but unnecessary. This Bill was only a part of our Militia Laws, and merely related to Militia raised by voluntary enlistment, in which the duties of deputy lieutenants were in no wise concerned, and that as those services were only required in case of raising the Militia by Ballot, it was quite useless to provide for this rank in the Bill now before the Committee. Besides, the only changes made in the law relating to deputy lieutenants were trifling and related mainly to the qualification entitling persons to be appointed to this almost useless office. It would be far better, and consistent with the opinions of those who advised on the reform of Acts of Parliament, to bring in a separate clause, amending the Acts in existence to the extent desired relating to deputy lieutenants. He would therefore move to leave out from Clause 3, page 2, down to Clause 17, page 7, inclusive, and thus leave the law relating to the deputy lieutenants to be dealt with next Session, when the House was to have the Bill relating to the Militia Ballot.

MR. GATHORNE HARDY said, that if the Militia Laws were to be consolidated it was absolutely necessary that those clauses should appear in the Consolidated Bill, but then the old statutes from which they were taken would disappear.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clauses 4 and 5 *agreed to*.

Clause 6 (Number of deputy lieutenants).

GENERAL SIR GEORGE BALFOUR moved, in page 3, line 27, after "Deputy Lieutenants," to insert—

"Provided always, That the number of Deputy Lieutenants appointed to the several counties, cities, or towns, shall not exceed the number of Lieutenancy Sub-Divisions in the respective counties, cities, or towns, of the United Kingdom."

His object in moving this clause was in view to restrict the number of deputy lieutenants within some reasonable limit, for at present the number far exceeded the sub-divisions of lieutenancy into which the country was divided. It was only necessary to attach a deputy lieutenant to each of those sub-divisions, whereas there were in many counties, and perhaps in the whole Kingdom, ten times as many deputy lieutenants as there were sub-divisions, moreover, he was also desirous of seeing the Kingdom re-divided for general defensive purposes into divisions suitable for the altered state of the population. There were sub-divisions with 2,000 males and other sub-divisions with between 200,000 and 300,000, all owing to the neglect to adapt the divisions to the present time, instead of retaining the divisions of lieutenancies as they were in the beginning of the century. There was power under the existing Act to adapt the existing Militia sub-divisions of lieutenancy to those of the registration of births and marriages, and these were so wisely arranged that they were admirably adapted to the military organization of the whole country. It was only by bringing this great and efficient civil administration to bear on the Militia system that we would expect to have a great defensive force formed, on principles suited for a free country and a free people, willing and able to defend themselves and to protect their independence.

MR. GATHORNE HARDY said, he could not agree to the proposal.

Amendment, by leave, *withdrawn*.

Clause agreed to.

Clauses 7 to 17, inclusive, *agreed to*.

Clause 18 (Militia while ballot suspended to be raised under this Act. Their number).

GENERAL SIR GEORGE BALFOUR said, that he had the same object in view as that which the right hon. Gentleman the Secretary of State for War had—namely, to improve the Militia laws for the defence of the Kingdom, but he entirely differed from him as to the mode of carrying out that object; whilst the right hon. Gentleman abolished old laws,

which had been passed at various times, as well as amended these laws, by bringing in a general Bill, under the title of a consolidating Bill. He (Sir George Balfour) was in favour of retaining those laws, because they contained provisions which former experience had proved to be wise and necessary, and which might again be needed. If changes were deemed necessary, they should first be made by an amending Bill alone; besides the old laws were, in his opinion, far more suitable than those of modern times. For instance, the laws passed in 1757, when the Militia was reformed, were excellent laws in many respects and might be revived. Again, the Local Training Act of Wyndham, and the Local Militia Act of Castlereagh, which were still in force, wholly or in part, were well adapted for the formation and training of a great defensive force, within the United Kingdom, and he therefore deprecated the abrogation of laws which contained such excellent provisions, as many of them did, being the results of actual experience, amidst the various changes in the national danger. Seeing, however, that the right hon. Gentleman was resolved to adhere to this Bill, he (Sir George Balfour) had placed many Amendments on the Paper in view to improving this meagre Bill, but as he found it would be useless for him to press the series of Amendments which he had proposed to this and succeeding clauses, he decided on allowing all to be negatived, but he must protest against the course which was being pursued, for in his opinion the right hon. Gentleman ought to send the Bill to a Select Committee, in order not only to ascertain what changes were advisable in the old laws, but to ensure a good consolidating Bill being compiled out of all the laws that had been passed relating to this great defensive Army.

MR. STANLEY pointed out to the hon. and gallant Gentleman that the Bill was essentially a consolidating, and not to any important extent an amending Bill, and was intended as a step to thorough reform of the Militia Law.

Amendment, by leave, *withdrawn*.

Clause agreed to.

Clauses 19 to 24, inclusive, *agreed to*.

Clause 25 (Extra musicians may be kept at the expense of the commanding officer).

*General Sir George Balfour*



MR. HAYTER moved to omit the clause. He objected to it on the ground that it would place a commanding officer of small means who succeeded an officer of large means in an invidious position with respect to providing as large a number of bandmen.

MR. STANLEY, on behalf of the Government, resisted the Motion.

Question put, "That the Clause stand part of the Bill."

The Committee divided:—Ayes 157; Noes 30: Majority 127.

Clause 26 agreed to.

Clause 27 (Pensions preserved).

COLONEL DYOTT moved, in page 9, to add at the end—

"And that no officer receiving a retired allowance for former service in the rank of Adjutant shall forfeit such allowance during the time he may serve, and is entitled to receive pay for serving in any other rank."

MR. STANLEY said, the rule was that in such cases the officers would have to relinquish their retired pay, a rule to which he saw no objection.

Amendment, by leave, *withdrawn*.

Clause agreed to.

Clauses 28 to 31, inclusive, agreed to.

House resumed.

Committee report Progress; to sit again upon *Friday*, at Two of the clock.

#### CONTAGIOUS DISEASES (ANIMALS) ACT, 1869, AMENDMENT BILL.

On Motion of The LORD ADVOCATE, Bill to amend "The Contagious Diseases (Animals) Act, 1869," ordered to be brought in by The LORD ADVOCATE and Mr. WILLIAM HENRY SMITH.

Bill presented, and read the first time. [Bill 260.]

House adjourned at a quarter  
after Two o'clock.

## HOUSE OF LORDS,

*Tuesday, 13th July, 1875.*

MINUTES.]—PUBLIC BILLS—*Second Reading*—*Bridges (Ireland)* \* (198); *Artizans Dwellings (Scotland)* \* (202).

Committee—Local Government Board's Provisional Orders Confirmation (*Bromley, &c.*) \* (149).

*Third Reading*—*Ecclesiastical Commissioners (Fen Chapels)* \* (204); *Royal Irish Constabulary* \* (182).

## DOVER HARBOUR.—QUESTION.

EARL GRANVILLE asked Her Majesty's Government, What course they intended to pursue with regard to Dover Harbour? The noble Earl said, that he did not by this Question desire to put the Government to any inconvenience whatever, his desire being simply to obtain information in reference to a point of so much importance. Their Lordships were, of course, aware how very inadequate the means of communication across the Channel were. For a long time there had been proposals made to facilitate this passage; and during the last five years Bills, which to a greater or lesser degree embraced those suggestions, had been introduced into Parliament. He had himself the honour of being Chairman of the Dover Harbour Board; and the various plans which had been submitted to that body had been from time to time placed before the Government, lest the adoption of any one of them might interfere with any larger plan which they might have under consideration for Imperial purposes. It became, however, at last his duty to represent to his colleagues on that Board that the position of the Government appeared to him to be untenable, because it stopped all individual effort upon the ground that it might interfere with what were Imperial necessities, whilst, at the same time, the Government took no step to bring forward any Imperial plan. At length a plan was brought forward by the local authorities, which was submitted to various Government authorities and was carefully modified; and that plan was formally adopted by the late Government, and a Bill intended to give effect to it was introduced into their Lordships' House and read a second time. The Bill was sent to a Select Committee, which, after hearing the opposition of the Railway Company, affirmed the principle of the Bill by a large majority. The present Government, upon being questioned on the subject, said that they had intended to introduce a Bill this year, in consequence of the Select Committee reporting that at a small cost the efficiency of Dover Harbour could be largely increased. He did not complain that the present Government had taken time to consider the matter before they decided what course to take, but he thought that it would be desirable that

they should state what their intentions were; whether their intention was simply to consider merely whether a larger or a smaller plan should be decided upon, or whether they intended to institute any course of inquiry before they came to any decision; and, further, that it should be known whether they had given up the idea of carrying out what appeared to be a most important national work, as well as one of great local importance.

THE DUKE OF RICHMOND said, that the noble Earl had accurately described all that had taken place up to the time the last Government had left Office. When the present Government came into Office they found in the Office certain proposals which had been made and certain views which had been entertained by the late Government, and based upon which proposals a Bill was introduced into the House of Commons this year. So far, therefore, the Government had followed upon the lines of the recommendation of the late Government. The Bill to which he had referred was referred to a Select Committee; and part of the Bill was based upon this, that the expense of forming the harbour would, to a very great extent, be met by the harbour tolls; and it was supposed that increased tolls would meet the increased expenditure of the harbour authorities. The Committee that considered the Bill reported, to a certain extent, in favour of the scheme; but they really reported in favour of a much larger scheme, the evidence being that the matter had better be dealt with in a much more extended form than was proposed by the Bill. With regard to the intention of the Government in the matter, he might state that they, after reading the Report of the Committee to the effect that larger works were advisable, and finding that those larger works would cost more money than the tolls would readily cover, thought it better to withdraw the Bill for the present Session in order that they might in the autumn thoroughly sift and digest the evidence and propose a plan to submit to Parliament next Session. In making this statement he did not pledge the Government to any particular scheme, but wished to show their Lordships that the Bill was not withdrawn with any view of shelving the matter in any way whatever.

*Earl Granville*

## ALDERSHOT MANŒUVRES.

### MOTION FOR A RETURN.

LORD WAVENEY rose to call the attention of the House to the time tables of the Aldershot Manœuvres published as official in *The Times* newspaper of the 8th of July. The noble Lord said, it must not be thought that he intended to criticize the military manœuvres; but without disparaging them, he could not help expressing his opinion that they were not military manœuvres in the sense of the terms in which the word was used among Continental nations at all. The official Memorandum referred to by the noble Lord described the time and place at which each Army Corps would appear on each of the six days. The whole of those announcements might be thus summarized:—

"A large army is supposed to have landed in the south coast, between Shoreham and Littlehampton, and to be advancing on London. The defending army has taken up a position along the heights in front of Reigate, and has also occupied the passes at Dorking, Guildford, and Aldershot. The invading army has detached forces to watch these points. The First Army Corps represents a detached force from the invading army, which has seized the London and Portsmouth line, and has collected supplies at Liphook and Hazlemere, and occupies a position covering these places. The Second Army Corps represents the detached body of the defending army which occupies Aldershot, and is defending the pass between the Hog's Back and Coney's Camp. Special ideas relative to the Manœuvres has been communicated to the General Officers commanding on either side by Sir Thomas Steele."

When the proceedings were planned out in this way proper scope was not afforded for that useful application of strategic science which had obtained in previous years. In saying this he disclaimed any intention of merely making an accusation or charge against the War Department. Then the men were living in quarters, and instead of their movements extending over an unknown country they only went over a few miles of country that was well-known to many of them. There was, therefore, not sufficient opportunity for tasking the genius of the commanders, trying the skill of the regimental officers, and testing the endurance of the men. A strange thing happened on the second day, because the genius of the attacking commander led him to break through the restrictions imposed by the orders, and the spectacle was witnessed of the invading army in full possession of the field. He criticized the plans which had

been adopted in these Manœuvres, and contrasted them with the great military manœuvres which took place on the Continent. He also expressed some doubts with respect to the strength of the regiments, observing, of 22,000 soldiers which were encamped on the plains of Chalons, the commanding officers were able to place 21,000 in line. He considered it very important that it should be known what the strength of our regiments and brigades was when mustered. If the Manœuvres were to be made important in a military point of view, means must be taken to make them as real and as large as possible. Several series of military manœuvres had now taken place—namely, at Aldershot, Salisbury, Dartmoor, and Cannock Chase—and perhaps the one in which there was the greatest amount of reality was at Dartmoor, owing to the extraordinary inclemency of the weather, and the physical structure of the country. His Royal Highness the General Commanding in Chief suggested, in his Report on the Salisbury Manœuvres, that Autumn Manœuvres on a large scale should take place only every third year. At the Salisbury Manœuvres Ireland sent a contingent of Militia, Scotland of Volunteers, and England also of Militia, and they then witnessed 31,000 as fine British troops as were ever under arms called out for training. On that occasion, also, there were no fewer than 17 military delegates from every great military Power in Europe except Austria, and he heard from two distinguished officers, of whose views he had ascertained, the highest opinion expressed as to the efficiency of the troops. He called attention to the fact that had the mimic warfare been real a whole Army Corps would have been sacrificed. There was a great difference between those manœuvres of 1872 and those of the present day; yet he could see no reason why Militia Reserves should not take their autumn instruction along with those troops, with whom they would have to act should the necessity arise. But there was more than that. An arbitrary selection had been made of points of attack; whereas these Autumn Manœuvres might be made available for obtaining very important strategic information. It should not be forgotten that Europe was now in an armed peace, and that it was essential that we should avail ourselves of the inestimable advantage we possessed in our

insular position to ascertain our most vulnerable points of attack. That led him to suggest that particular points should be selected for attack during the intervals between the manœuvres on a large scale. On that point he would remind the Government that some very valuable papers by General Roy, an admirable military organizer, were found at the Ordnance Office in the time of Sir John Burgoyne, and no doubt were still there. He would also, in accordance with the views of General Roy, suggest the establishment of a local camp in the Eastern district. In 1848 the Government were fully alive to the importance of extreme despatch in all military movements. In that year, when a southern county of Ireland was much troubled with Ribbonism, and general disaffection and some insurrectionary movement was deemed imminent, Woolwich was communicated with, and within 30 hours of the arrival of the first intelligence two batteries of artillery had been transported from Woolwich to Dublin. Other nations were straining every nerve to make the most of their resources and capabilities in these matters; and so, in his opinion, we should also do. He was far from bringing any charge against Her Majesty's Government, and least of all against the gallant officers who were engaged in the conduct of these movements; but he trusted that the result of the discussion of his Motion would be to increase very largely the practical value of the periodical gatherings of our military forces.

EARL CADOGAN said, the noble Lord, in the course of his strictures on the manœuvres which were being held this year, had entered into various strategical questions. For this the noble Lord's great military knowledge qualified him, but he was unable to follow the noble Lord into this part of the subject. In reference, however, to the general question, he was ready to admit that the summer drills, as now carried on, were not so extensive in scope as the large manœuvres of 1872 and 1873. Their Lordships were aware that a camp of instruction was formed at Chobham as far back as 1853, and afterwards another at Shorncliffe; but the idea of manœuvres on a large scale in a part of the country somewhat distant from head-quarters was due entirely to the noble Viscount opposite (Viscount Cardwell). In 1871 the manœuvres



were held at Aldershot. In 1872 the extensive manœuvres in the neighbourhood of Salisbury took place, to which the noble Lord opposite had referred, when there were 31,000 men under arms. In 1873 there were manœuvres on a reduced scale at Dartmoor and Cannock Chase, and also, he believed, at the Curragh; and the Report of the illustrious Duke in 1874 showed that those operations had been highly beneficial to the troops. He recommended that manœuvres upon a large scale should take place once in three years—that was to say, camps of instruction the first year near Aldershot, a concentration of troops the next year at some point of the coast, and the third year manœuvres on a large scale; and, if the proposed cycle had been carried out, the present would have been the year of a concentration of troops. But this was found to be impracticable. Already the Estimates had been unusually high in consequence of the great increase in the price of various commodities, especially of horses and forage. The increase in the Estimate for forage alone, in the present year, was over £47,000. This rendered it undesirable that the expense of very large operations should be incurred; and it was, therefore, decided to substitute summer drills. Such was the reason why the drills were on so small a scale this year, and their Lordships would understand that it was impossible at this period of the Session to give an idea of the Estimates that would be submitted, or of the expense that would be incurred for next year. Indeed, he believed the noble Lord would not expect from the Government any distinct pledge as to what would be done in the future. Her Majesty's Government so thoroughly appreciated the importance of these manœuvres that they intended to encourage them as far as the means at their disposal would allow. Before resuming his seat, he desired to say a few words on the subject of calling out the Militia to the manœuvres. A few days ago the noble Lord asked him a Question on this point, and he was afraid the noble Lord did not deem his Answer to be very satisfactory. He could assure the noble Lord that the opinion of commanding officers of Militia regiments was not at all unanimous as to the desirability of calling out the Militia for the manœuvres. Some officers said recruiting for the Militia was injuriously

affected by the prospect of regiments being thus called out. Under the circumstances it was thought that in the present year, at all events, it would be better to dispense with their services. There was no intention on the part of the authorities to discontinue these manœuvres, and still less to drop them altogether; but, in carrying them out, it would be found impossible to adhere to any fixed rule, and the arrangements must, within certain limits, be confided to the judgment of the Government and the authorities.

LORD WAVENEY inquired when the Returns he had moved for on the subject would be presented?

THE DUKE OF RICHMOND said, that with regard to the strictures on Her Majesty's Government, he should like to call attention to the facts on which the noble Lord had based his Motion, which was one of the most extraordinary Motions he had ever seen. Generally speaking, Papers were moved for, and were then produced on the authority of the Government. Their Lordships thus had before them an accurate statement of what had happened. But if their Lordships would turn to the Paper now under discussion, they would find that it had no authority whatever as far as the House and the Government were concerned. The Motion was to call attention to the timetable of the Autumn Manœuvres, published as official in *The Times* newspaper. The document was, however, one which, if the noble Lord really meant to found anything upon it, ought to have been official. This time table appeared to him to be an arrangement of the Commander-in-Chief, and to relate to the discipline of the Army. Then the noble Lord proceeded to give an account of the manœuvres up to last night; but here, again, the House had no official information before it. He did not maintain that the time table was not accurately given in *The Times*; but he thought he could show, on the noble Lord's own statement, that it was but a slight sketch of what was proposed to be done. The noble Lord said that for the credit of the British Army one of the General Officers who had certainly distinguished himself in the most signal manner on that occasion, Sir Henry de Bathe, had disregarded the rules and regulations that were laid down. The accuracy of the noble Lord's statement

on that point he doubted; because if there were rules laid down for the guidance of the forces, that gallant officer was as much bound by them as any soldier. The account which the noble Lord gave of the manœuvres was gathered from the report which appeared in *The Times*. Now, he said nothing against the report given by *The Times* correspondent; he dared say it was quite accurate; but it was an inconvenient mode of criticizing the operation of troops and the conduct of their commanders to take their information from no other source than the newspapers. It might be perfectly accurate; but how the reporter of a newspaper could give an account of what occurred between the attacking and the defending force except upon hearsay he was at a loss to understand. He happened himself to know something about the attacking force, because he had a near relative who was with it; and from the information he received from his relative he believed that no single reporter could possibly give an account of everything that occurred. Then the noble Lord had deprecated the character of the present manœuvres. He ventured to say, however, that those manœuvres, as far as they had gone up till now, had elicited the skill of the officers, and been the means of affording instruction both to them and to the men, while they had also afforded an opportunity of testing, to a certain extent, the endurance of the troops. If the noble Lord would inquire among his military friends, he would learn that they were not confined to starting at 8 in the morning, but that on one occasion the tents were struck as early as 3 o'clock, and the men then started on one of their marches. The noble Lord talked of the number of troops employed in these manœuvres. Of course they were not so many as were employed in the first year of the manœuvres, inaugurated, much to his credit, by the noble Viscount opposite (Viscount Cardwell). But in 1873 there were only 11,000 at Dartmoor and 9,000 at Cannock Chase; in 1874—when there were two periods—at the one period there were 17,000 engaged, and at the other 18,000; while this year, when they were supposed to be so far behind, the number was in excess of those he had quoted, there being 22,046 engaged in the manœuvres at Aldershot. He would not follow the noble Lord in his

observations upon the state of Europe, but merely add that the Government were as sensible as the Government of 1848 were as to being prepared for any consequences, and there was nothing to show that what was done then could not be as well done again. Therefore, without assuming too much for Her Majesty's Government, he would state that they were fully alive to their duties, and that they would be as well prepared for anything which might happen as the Government of 1848.

THE DUKE OF CAMBRIDGE said, he understood that during his absence some remarks had been made by the noble Lord (Lord Waveney) as regarded the time table. Now, the issue of the time table was mainly to give information to the public of the time and place at which different manœuvres would take place, and by no means represented all the work which was to be done by the military. Indeed, he had himself already altered that time table for Thursday by ordering some Cavalry movements. The present operations were not like those which had been carried on at Salisbury Plain, on a large scale. They were much indebted to the noble Viscount (Viscount Cardwell) for inaugurating those Autumn Manœuvres, and he went the whole way with the noble Lord who had now brought forward the question in hoping that those manœuvres would be continued as they had commenced; for anything that interfered with those admirable arrangements would be detrimental to the interests of the Army, and consequently to the interests of the public. But as regarded the manœuvres which were now going on, it was absolutely necessary to make some arrangements for posting the troops in such a way as that they should meet on different ground on the various days. He admitted that they ought, from time to time, to have manœuvres conducted on a large scale. Of course, the question of finance must have great weight in that matter, because it was, no doubt, much more expensive to have manœuvres on a large scale than on a smaller one. The transport alone, which would be very small this year, would have to be much augmented if the operations were conducted on a great scale. Then there were other obstacles to be met with connected with agriculture. In general, nothing could be more handsome or more liberal than the manner in



which the localities selected behaved to the authorities and to the troops; but still it was extremely difficult to manage these things. Nobody could wish to see the crops destroyed, and it was well known that they must also have facilities for bringing ample supplies together. The armies of the Continent could take vast tracts of land without inconvenience for the purpose of manœuvring; but in this country the case was very different. Again, he did not think it would be desirable that they should attempt to go to the same ground year by year. Even their friends about Aldershot would have a strong objection to the troops going over their property year after year. He had himself thought that one year they might have manœuvres on a large scale, that another year they should have a concentration of troops on the Coast, to see how matters could be managed by the railways, and so on; and again in a third year they might give their attention to divisional manœuvres at their large stations, such as Aldershot, Chobham, Shorncliffe, Colchester, and the Curragh. It was impossible to conduct the manœuvres without laying down restrictive regulations. For instance, with regard to that very point of the order of starting, the object was to bring the troops together, and not to show that one part of them could get up earlier than the others. Then, also, it was requisite that they should keep within bounds. Those were small details, but it was desirable that they should not be overlooked. He was anxious that the manœuvres should be continued; and, whatever Government there might be, he hoped the expense necessary to keep them up would be regarded as a proper subject for a Vote, it being evident that they could not be conducted on a sufficiently large scale unless a greater sum was spent on them than was likely, under ordinary circumstances, to be taken.

VISCOUNT CARDWELL thanked his noble Friend (Lord Waveney) for having instituted a very interesting conversation in reference to these manœuvres. He rose to make only one or two observations. In asking Parliament to pass an Act scheduling a particular portion of the country for the purpose of military manœuvres, it was necessary to exercise a certain circumspection; because, if that was not done, instead of the Army being made popular, which had hitherto been

the effect of the manœuvres, exactly the opposite would be the result, and difficulties would be created which would stand in the way in future years. The Engineers being employed to report upon the surface of the country, could only point out two portions of the whole Island which were well suited to extended manœuvres. These were the places adopted in the two first years—namely, Aldershot and Salisbury. There was grave apprehensions, when they proposed Salisbury, that they would meet with opposition from the neighbourhood, and also with regard to expense; but it so happened that the troops were welcomed with the greatest satisfaction, and that, although the harvest was not quite over, and there were about 800 square miles included in the Act of Parliament, the bill which had to be paid did not exceed £8,000. After Aldershot and Salisbury had been turned to account, it was found that only two other parts of the country were suitable for manœuvres of even 10,000 or 12,000 men. Those were Dartmoor and Cannock Chase, at both of which there was a great desire to see the Army. In the days of his youth it would have been a most unlikely thing in Staffordshire for 150,000 people to gather on a hill side and look on with interest at a march past, as they did during the manœuvres at Cannock Chase. The feeling of the population towards the Army seemed to have greatly changed. Experience at Dartmoor and in Staffordshire showed that it was not desirable to have these manœuvres carried on with only 10,000 or 12,000 men, and the illustrious Duke (the Duke of Cambridge) therefore recommended that there should be a triennial course. Now, he (Viscount Cardwell) was bound to say that he was as much responsible for the adoption of that course as the present Government could possibly be. He entirely agreed with the noble Earl opposite (Earl Cadogan) in thinking that much must be left to the discretion of the Government of the day. Perhaps he might be permitted to remark that there were others besides the late Government who were obliged to study economy. He had heard it attributed to an illustrious Conservative statesman that he said the word "Liberal," when applied to the Liberal Party, should usually be interpreted as "stingy." He should be sorry to hear it attributed to the late Govern-

*The Duke of Cambridge*



ment that they were unwilling to make proper expenditure upon the Army; but if forage rose to so great an amount as the noble Earl opposite had mentioned in the Estimates for the present year, it was not surprising that Government should feel under the necessity of trenching on some other portions of their expenditure. He did not find fault with any of their arrangements. He hoped the Militia would be so trained that they could take part in these manœuvres, and was confident that they would continue to merit the tribute of praise which they had received from the illustrious Duke at Salisbury. All accounts proved that on that occasion they showed themselves perfectly well qualified to stand beside the regiments of the line. It was not in the power of any Government to get territory suitable for extended manœuvres every year, and the Government must exercise its discretion as to what manœuvres should be held in a particular year, according to the circumstances of the case. He rejoiced to know that the illustrious Duke and the Government intended to keep up a system which he regarded as absolutely necessary for the efficiency of the British Army.

House adjourned at a quarter before  
Seven o'clock, to Thursday  
next, a quarter before  
Five o'clock.

## HOUSE OF COMMONS,

Tuesday, 13th July, 1875.

**MINUTES.**]—PUBLIC BILLS—*Ordered*—Open Spaces (Metropolis) (No. 2) \*.

*First Reading*—Pollution of Rivers \* [252]; Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) \* [253]; Local Government Board's Provisional Orders Confirmation (Aberdare, &c.) \* [254].

*Second Reading*—Public Records (Ireland) Act 1867, Amendment \* [233].

*Select Committee*—*Report*—Public Worship Facilities [No. 331].

*Committee*—Supreme Court of Judicature Act (1873) Amendment (No. 2) \* [162]—R.P.; Entail Amendment (Scotland) (*re-comm.*) \* [248]—R.P.; Gas and Water Orders Confirmation (*re-comm.*) \* [228]—R.P.

*Committee*—*Report*—Turnpike Acts Continuance, &c. \* [216].

*Report*—Public Worship Facilities \* [22].

*Considered as amended*—County Courts \* [225].

*Third Reading*—Police Expenses \* [187]; Tramways Orders Confirmation \* [220], and *passed*.

VOL. CCXXV. [THIRD SERIES.]

The House met at Two of the clock.

### POST OFFICE—POSTAL UNION TREATY.—QUESTION.

SIR THOMAS BAZLEY asked the Postmaster General, Whether the new postal tariff, which affects Foreign Countries and came into operation on the 1st of July, will be extended to British India, to Canada, and the other Colonies, and when such change will take place?

LORD JOHN MANNERS, in reply, said, that a copy of the Postal Union Treaty, signed in October last, was communicated to the Government of India and the Government of the British Colonies in December, and in that letter reference was made to the provisions of the Treaty respecting the entrance into the Union of countries beyond the seas. Each Government was requested to state whether it desired to be admitted, but up to the present time replies had been received from only two Colonies—Western Australia and Newfoundland—and the Governments of those Colonies declined to enter into the Union. From no other Colony nor from British India has any definite reply been received. As soon as the views of the different Governments were known, Her Majesty's Government would consider what steps should be taken to facilitate the entrance into the Union of such Colonial Governments as might desire to come in.

### ADULTERATION OF FOOD ACT— ADULTERATION OF MILK.

#### QUESTION.

DR. CAMERON asked the Secretary of State for the Home Department, Whether his attention has been called to a report in "The Times" of July 3, from which it appeared that Mr. Balguy, the presiding magistrate at Greenwich Police Court, had publicly announced that after consultation with his brother magistrates, he had resolved not to impose fines in cases of the adulteration of milk with water when such adulteration was not over ten per cent; and, whether the Adulteration Acts now in force warrant magistrates in allowing the adulteration of milk with water if not practised to a greater extent than ten per cent. to pass unpunished?

**MR. ASSHETON CROSS:** I believe, Sir, that Mr. Balguy did make such a statement after consulting with his brother magistrates, but I cannot say how many magistrates he consulted with; but I do not think his view of the law will be acquiesced in by my right hon. Friend the President of the Local Government Board, either with regard to the Acts now in force or the Bill now passing through the House.

#### ARMY—MILITIA MEDICAL OFFICERS.

##### QUESTION.

**MR. LYON PLAYFAIR** asked the Secretary of State for War, If there be any intention to issue, at an early date, new regulations in regard to Militia Medical Officers?

**MR. GATHORNE HARDY**, in reply, said, the new regulations referring to those officers had been for some time in preparation. The regulations relating to medical officers in the Yeomanry and Volunteers were actually settled, but difficulties had arisen with regard to the militia medical officers, through their being brought into contact with the Brigade Depôts. He hoped these regulations would be published at no distant date.

#### CRIMINAL LAW—CASE OF SARAH CHANDLER.—QUESTIONS.

**MR. RITCHIE** asked the Secretary of State for the Home Department, Whether his attention has been directed to a report of the case of Sarah Chandler, of Spalding, Lincolnshire, aged thirteen years, who on a visit to her aunt at the almshouses in the town had plucked a flower from a geranium, for which she was charged at the petty sessions at Spalding on Tuesday last, and sentenced to fourteen days imprisonment and four years in a Reformatory; and whether, if the facts of the case are as reported, he proposes to take any steps in the matter?

**MR. ASSHETON CROSS:** I think, Sir, that there are some very small inaccuracies in the way in which the case is stated in the Question; but I am sorry to say that substantially the facts as there given are actually true. The only steps which I thought I could possibly take in the matter were immediately to discharge the girl from custody, and to write to the magistrates to express my entire disapproval of the

sentence which had been passed upon her.

**SIR FREDERICK PERKINS** asked whether it was true that two clergymen were on the Bench when the girl was examined, one of them being the presiding magistrate?

**MR. ASSHETON CROSS:** I believe there was one. I cannot say whether there were more.

#### CENTRAL ASIA—KASHGAR.

##### QUESTION.

**SIR JOHN HAY** (for **MR. FORSYTH**) asked the Under Secretary of State for India, Whether it is true that Mr. Shaw, our Political Agent at Kashgar in Eastern Turkestan, has been or is about to be withdrawn; and, if so, for what reason?

**LORD GEORGE HAMILTON:** Sir, Mr. Shaw was sent to Kashgar with a special object—namely, to negotiate a Commercial Treaty with the Ameer of Kashgar. He received instructions from the Indian Government to return when the negotiations were completed. We have received no information from the India Office as to whether he has left Kashgar or not. Under the 6th Article of the Treaty made with the Ameer by Sir Douglas Forsyth, we have power of appointing a Political Agent at Kashgar.

#### THE CONVICT ARTHUR ORTON.

##### QUESTION.

**MR. WHALLEY** asked the Secretary of State for the Home Department, Whether communications and documents have been sent to him purporting to prove that Arthur Orton, now supposed to be a convict in Dartmoor, is in fact in New Zealand and willing and prepared to prove his identity if protected from arrest on charges alleged against him; and, if so, whether he will lay the same upon the Table of the House, or allow them to be inspected at the Home Office; and, whether he will state the objections, if any, to grant to such person freedom from arrest for the purpose aforesaid?

**MR. ASSHETON CROSS:** Sir, I have nothing before me to lead me to suppose that Arthur Orton, whom I believe to be in custody in England, is now in New Zealand. I must, therefore, decline to grant to any person in New Zealand freedom from arrest on charges made against him in order that he may come

to this country for the purpose stated by the hon. Member.

MR. WHALLEY subsequently begged to give Notice, owing to the sudden retirement of the right hon. Gentleman, that it would be necessary to ask on a future day, whether he would lay on the Table of the House or allow to be inspected at the Home Office the documents which purported to show that Arthur Orton, supposed to be a convict at Dartmoor, was now in New Zealand?

THE FRANCO-GERMAN WAR—THE  
"TURANDOT."—QUESTION.

MR. WATKIN WILLIAMS asked the Under Secretary of State for Foreign Affairs, Whether he has any objection to lay upon the Table of the House the Correspondence between the Salvage Association and the English Foreign Office and the German Government in relation to the capture by the French of the German Ship "Turandot" during the Franco-German War, and to the indemnity paid by the French Government to the German Government on account of such capture?

MR. BOURKE, in reply, said, there would be no objection to lay on the Table the Correspondence referred to if the hon. Member would move for it.

CRIMINAL LAW—EXETER GAOL.

QUESTION.

SIR JOHN KENNAWAY asked the hon. Member for Penryn, If he would state on what authority he has stated that in Exeter Gaol the proportion of recommitments to the total number of prisoners committed was 65 per cent?

MR. H. T. COLE, in reply, said, that the statement which he made, or certainly intended to make, was that the recommitments were 35½ per cent. The authority which he had for that statement was a most valuable Return obtained in 1872 by the hon. Baronet himself.

SUPREME COURT OF JUDICATURE  
ACT (1873) AMENDMENT (No. 2) BILL.

[Lords.] [BILL 162.]

(Mr. Attorney General.)

COMMITTEE. [Progress 5th July.]

Bill considered in Committee.

(In the Committee.)

Clause 17 (Provision as to making of

rules of court before or after the commencement of the Act—in substitution for 36 & 37 Vict. c. 66, ss. 68, 69, 74, and Schedule).

MR. WATKIN WILLIAMS moved, in page 9, line 24, to insert words, the effect of which would be to limit the power of the Judges in making rules to matters of pleading practice, and procedure. The hon. and learned Member observed, that a similar Amendment had already been made in sub-section 2, on the Motion of the hon. and learned Member for Limerick (Mr. Butt). It seemed to him an innovation to grant to Judges the power to repeal or alter Acts of Parliament, which they would have under the Bill, without the consent of Parliament.

Amendment proposed,

In page 9, line 24, after the word "Act," to insert the words "Provided always, and it is hereby enacted, That the Rules and Orders hereby authorised, whether entirely new or altering or annulling any previously existing Rules or Orders, shall be confined to regulating the pleading, practice, and procedure of the Courts, and no Rule or Order shall be made under the power or authority of this, or the last preceding section, taking away or infringing, otherwise than in so regulating pleading, practice, and procedure, any existing right founded upon any Act of Parliament or upon the Common Law, or in any way conflicting with the provisions of this or the principal Act."—(Mr. Watkin Williams.)

THE ATTORNEY GENERAL believed that sub-section 2 would probably not have been altered in the way mentioned by the hon. and learned Gentleman had the effect of the 20th section been more fully considered. He (the Attorney General) did not think it desirable to limit the power of the Judges in the way proposed; in making so great a change in the judicial system of the country, it was impossible to say beforehand what rules or orders might be necessary for the efficient working of the Act. In the Schedule to the Bill it was attempted to provide for all the cases that might arise, but it might well be that some matters of trivial importance were omitted, which, if not supplied, might lead to great inconvenience. In such a matter, confidence must be placed somewhere, and, unless it could be placed in the Judges, they would be hardly fit for their position. For several years past, similar powers had been placed in the Judges, and they were



not confined to the Judges, for similar powers had been conferred on different Government Departments. If the Amendment were carried, it would impose a very unnecessary fetter on the power of the Judges in framing the rules and orders for regulating the practice and procedure of the Courts. It would be altogether unusual and extremely inconvenient in practice. He, therefore, hoped the Committee would not assent to the Amendment.

MR. WHALLEY supported the Amendment, remarking that the Judges at the present day exercised their powers extensively, as might be seen when they dealt with cases of contempt of Court. The power in this clause was excessive and unconstitutional.

SIR HENRY JAMES said, for once he almost agreed with the hon. Member for Peterborough (Mr. Whalley). They were going to give power to the Judges to make rules and orders, which, so far as they were inconsistent with any Act of Parliament, would virtually repeal that Act from the time those rules and orders came into effect.

THE ATTORNEY GENERAL observed, that at the proper time he should have an Amendment to propose which would obviate any difficulty upon that point.

SIR HENRY JAMES said, he was glad to hear it. He would give the Judges all the power that was required to frame general rules and orders for the administration of the law as regarded pleading, procedure, and practice, but would not place in their hands the power virtually to frame the law which they had to administer.

MR. LOPES said, that if he felt that this clause conferred undue power on the Judges, he should be inclined to vote for the Amendment; but he could not come to that conclusion. The true meaning of the clause was that the Judges should have full power to make the rules that were necessary to carry out this and the principal Act; and, if that was the true meaning, there were numerous precedents for them. He considered it would be impossible to adopt the Amendment, which proposed to limit the power of the Judges to make rules only with regard to practice and procedure.

MR. LAW observed, that Parliament, by passing these rules, was asked to

enact a new code of procedure, and then by one sweeping clause, power was given to the Judges to alter or repeal any part of this code.

THE ATTORNEY GENERAL desired to remove a misapprehension which appeared to exist in regard to the operation of this clause. No power was given by it to the Judges to introduce a fresh legislation in regard to the administration of justice; the whole power conferred on them was to make further or additional rules for carrying out the purposes of this and the principal Act, that was to say, those purposes connected with the administration of justice which were regulated and determined by the Acts themselves. The Judges could not, under that power, introduce any fresh legislation inconsistent with the Acts of Parliament. In all probability, by far the greater number of the rules and orders hereafter made would have reference to procedure only, but questions might arise which would require that the Judges should go beyond mere procedure. They had exercised powers of this nature for the last 20 years, and had never exercised them in such a manner as to require the intervention of the Legislature.

MR. OSBORNE MORGAN remarked that the hon. and learned Member for the Denbigh Boroughs (Mr. Watkin Williams) had got into a way of looking upon the Judges as his natural enemies, whom it was necessary to fence round in every way in order to prevent them from indulging in a sort of irrepressible desire to do mischief. If the Judges were not fit to be entrusted with the power which the Bill conferred upon them, they surely were not fit to be trusted with the high judicial functions which they exercised every day. The Judges had exercised similar powers without objection under the Chancery Amendment Act (Lord Cairns's Act), the Leases and Sales of Settled Estate Act, and the Trustees Relief Act, under which the Judges were authorized to regulate the exercise of their own jurisdiction. They had not abused these powers—why, then, assume that they would do so in this instance?

MR. CHARLES LEWIS complained that provisions were constantly creeping into Acts of Parliament by which the Queen in Council, municipal bodies, or other persons were empowered to make

laws and regulations. He protested against that House delegating its power of legislation to bodies outside. He should support his hon. and learned Friend the Mover of the Amendment.

MR. WATKIN WILLIAMS objected to giving the Judges any more legislative power, and thought their functions ought to be confined to laying down rules of procedure or practice; otherwise the Schedules of the Bill would be useless, because they might be overriden by the Judges. He must press his Amendment to a division.

MR. LOPES suggested that the Attorney General should re-consider the question, with a view of meeting the difficulty when they came to the Report.

SIR GEORGE BOWYER argued that legislative powers should be exercised by the Parliament, and not by the Queen in Council, on the recommendation of the Judges as proposed. He had no doubt it was a convenient mode of dealing with the matter; but it was very objectionable, and, he ventured to say, unconstitutional.

MR. GREGORY considered that a provision like that contained in the clause was absolutely necessary. If the Amendment should be adopted, the power proposed to be given to the Judges would be materially cut down.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 83; Noes 143; Majority 60.

MR. GORST then proposed an Amendment, the object of which was to preserve the existing machinery in the county of Lancaster until such time as the new machinery contemplated by the Bill should be ready and be brought into operation. He proposed to remedy this state of things simply by enacting that the existing machinery should go on until such time as an Order in Council was passed bringing into play the changes to be created by the Judicature Bill.

MR. RATHBONE said, he hoped that the Government would either accept the Amendment or themselves introduce a clause to effect the same object. The people of Lancashire were very well satisfied with their local Courts, and it would be a very serious thing for their

action to be suspended even for a little time.

THE ATTORNEY GENERAL asked the hon. and learned Member to withdraw the Amendment for the present and bring it forward again on the Report. In the meantime, it would be fully considered by the Government.

MR. GORST asked the Attorney General to take up the subject himself, and relieve him of all further responsibility in the matter.

THE ATTORNEY GENERAL said, that if, upon mature consideration, he approved the principle of the Amendment there would be no objection, on the part of the Government, to propose a clause on the Report carrying it into effect, but at present he could not accept it.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clauses 18 and 19 *agreed to*.

Clause 20 (Provision as to Act not affecting rules of evidence or juries—in substitution for 36 & 37 Vict. c. 66, s. 73).

MR. LOPES contended that the clause did not sufficiently protect trial by jury. The Judges would have the power, if they saw fit, to interfere with trial by jury, and that was a thing which he altogether deprecated. He moved, in page 10, line 16, to insert after the word "affect," "trial by jury or."

THE SOLICITOR GENERAL pointed out that under the 36th order of the Schedule trial by jury was regulated and the particular mode of trial prescribed. The Amendment was therefore unnecessary.

SIR HENRY JAMES suggested that it would be better to let the clause stand as it was, but to insert a Proviso at the end enacting that no rules made by the Judges hereafter should be allowed to interfere with trial by jury.

THE ATTORNEY GENERAL explained that trial by jury was actually interfered with by the Act of 1873. Unless the clause was kept as it stood a portion of that Act would practically be repealed.

SIR HENRY JAMES said, they had no intention of repealing any portion whatever of the Act of 1873. If Parliament saw fit to interfere with trial by jury there could be no objection; but

what they did object to was to give the Judges power to so interfere.

Mr. GRANTHAM agreed that the Amendment would not only be inconsistent with the clause, but would also be inconsistent with the Act of 1873.

Mr. BUTT contended that there were two perfectly distinct points in connection with this question—one was whether they were to allow trial by jury to be altered, and the other was whether they would allow the Judges to alter it. Well, his own clear conviction was that if there was to be any alteration at all it should be made by Parliament, and not by the Judges. He objected to the Judges having any such legislative power, simply because they were bad legislators, and ought to be confined to their own proper functions—the administration of the law.

Mr. WATKIN WILLIAMS supported the view of the Attorney General, that trial by jury had already been interfered with by the Act of 1873.

Sir HENRY JAMES suggested, instead of the Amendment, the introduction of words providing that no rules of court hereafter to be made should affect the mode of trial by jury now in existence.

THE ATTORNEY GENERAL said, that that proposal would meet the case, but that, if adopted, it had better be embodied in a separate clause.

Sir HENRY JAMES had no objection to reserve his proposition.

Amendment, by leave, *withdrawn*.

Clause agreed to.

Clause 21 (Provision for saving of existing procedure of courts when not inconsistent with this Act or rules of court—in substitution for 36 & 37 Vict. c. 66, s. 73).

Mr. WATKIN WILLIAMS moved, in page 10, line 32, at end of Clause, to add—

“Whereas by section forty-six of the principal Act it is enacted that ‘any judge of the said High Court sitting in the exercise of its jurisdiction elsewhere than in a Divisional Court, may reserve any case, or any point in a case, for the consideration of a Divisional Court, or may direct any case or point in a case to be argued before a Divisional Court:’ Be it hereby enacted, That nothing in the said Act, nor in any rule or order made under the powers thereof, or of this Act, shall take away or prejudice the right of any party to any action to have the issues for trial by jury submitted and left by the

judge to the jury before whom the same shall come for trial, with a proper and complete direction to the jury upon the law and as to the evidence applicable to such issues.

“13 Ed. 1, st. 1, c. 31; 3 & 4 Vic. c. 65, s. 15; 15 & 16 Vic. c. 76, s. 184; 20 & 21 Vic. c. 85, s. 39; 22 & 23 Vic. c. 21; 23 & 24 Vic. c. 144, s. 1.

“In the event of the last preceding Amendment being adopted, to add, at the end of the last Amendment, the words—

“Provided also, That the said right may be enforced either by motion in the High Court of Justice or by motion in the Court of Appeal founded upon an exception entered upon or annexed to the record.”

THE SOLICITOR GENERAL opposed the Amendment. The object of the Amendment was secured by an appeal to the Appellate Court from the decision of the Judge.

Mr. GREGORY pointed out that the Amendment provided for the whole question being submitted to the jury. The power of reserving points had been carried somewhat too far by the Judges.

Sir WILLIAM HARCOURT agreed that nothing was more dangerous than the extent to which this power of reserving questions had been carried of late, contrary to the former practice of such Judges as Lord Ellenborough or Lord Mansfield.

Mr. LOPES said, the hon. and learned Member for Oxford did not appear to understand that one of the great advantages of a Judge being empowered to reserve leave was that it enabled a verdict to be entered, so that the whole question could be decided by the Court above without sending it down for further trial. If, however, the object of the Amendment was to secure something in the nature of a Bill of Exceptions it had his earnest approval.

THE ATTORNEY GENERAL said, if the purpose of the Amendment was to secure the benefit of a Bill of Exceptions, without maintaining the entire form of the old procedure, he entirely agreed with it.

Mr. WATKIN WILLIAMS said, he did not wish to retain the ancient form of procedure; but he protested against giving a Judge indiscriminate and indefinite power of reserving questions which really came within the province of the jury.

Sir JOHN KARSLAKE said, as he understood the Amendment, it did not in the slightest degree interfere with the power conferred upon a Judge to reserve

*Sir Henry James*



questions of law for the consideration of the Court above, with the consent of counsel, and he hoped nothing ever would; but it was a very different question whether the power conferred upon a Judge should be so large as to enable him to withdraw a question from the jury altogether, contrary to the wish of counsel; that should be carefully guarded against, as it was intended to be by this Amendment.

MR. BUTT supported the Amendment, observing that without such a protection we should be giving up trial by jury.

THE ATTORNEY GENERAL said, he considered the Amendment to be hardly necessary; but as there appeared to be so strong an opinion in favour of it, he would save time by assenting to it.

*Amendment agreed to.*

Clause, as amended, *agreed to.*

Clause 22 (Regulation of circuits).

MR. GRANTHAM proposed an Amendment, the object of which was to prevent the doing away with the circuits by means of an Order in Council. If the object was only to make changes in circuits he should have no objection, but to the power which seemed to be proposed he did object. He thought it was important that everyone should know that the law was administered fairly and justly, and without favour or affection.

THE ATTORNEY GENERAL complained that on a subject of so much importance the Amendment was not placed on the Paper or any Notice given of it. The clause was, in point of fact, founded on the Report of a Royal Commission, and the principle it contained was already recognized by the law as it now stood. He must therefore oppose the Amendment.

MR. OSBORNE MORGAN also opposed the Amendment, because it was, in his opinion, necessary that power should be given to alter the circuits when necessary. They were often attended with great expense, and useless in results, and it would be expedient on many occasions to dispense with them.

*Amendment negatived.*

*Clause agreed to.*

Clauses 23 to 25 inclusive, *agreed to.*

THE ATTORNEY GENERAL moved, after Clause 24, to insert the following clause:—

("Amendment of 35 & 36 Vict. c. 44, as to the transfer of Government securities to and from the Paymaster General on behalf of the Court of Chancery and the National Debt Commissioners.")

*Clause agreed to, and added to the Bill.*

THE ATTORNEY GENERAL moved, after Clause 25, to insert the following new clause:—

("Amendment of 32 and 33 Vic. c. 83, s. 19; and 32 and 33 Vic. c. 71, s. 116, as to the payment of unclaimed dividends to persons entitled.")

*Clause agreed to, and added to the Bill.*

MR. JACKSON moved, in page 8, after Clause 14, to insert the following new clause:—

(Principle on which costs are to be taxed.)

"Whenever in any suit or proceeding in the High Court of Justice, or in the Court of Appeal an order or judgment directs the taxation of costs and the payment thereof by any litigant party, or out of a fund or estate, the costs so to be taxed shall include not only the costs of the suit or proceeding as between party and party, but also all such costs, charges, and expenses as are allowed by the Court of Chancery whenever costs, charges, and expenses are directed to be taxed on the principle of taxation as between solicitor and client, and to be paid out of a fund; and the Rules in the Schedule to this Act relating to costs shall be subject to this enactment."

His object was to secure to every successful litigant indemnity from his opponent for the necessary costs and expenses he was put to in enforcing his right, and not simply costs between party and party. There were at present three modes of taxation recognized by the Courts; the first was taxation between party and party; the second, taxation between solicitor and client; and third that frequently adopted in Chancery—namely, taxation between attorney and client, when the costs had to come out of the estate. Under an order for costs as between party and party the successful litigant received only the costs actually incurred in Court; for instance, though it might be impossible to prove his case without scientific witnesses, he would be allowed only the fee for the witness's appearance in Court and would receive nothing for the cost of that witness's journeys to inform himself of the nature of the case, though it might be admitted

on all sides that such a journey was indispensable. The result of this state of the law was that in every case the successful party had to pay at least one-third and often one-half more than he could receive, and in many cases it amounted to a denial of justice. He assured hon. Members that this was in no sense an attorneys' question. The attorney would in any case be paid his full costs. The question was whether his own client or the opponent, who from having been ordered to pay costs must be taken to be in the wrong, was to pay them. Parliament had already in several instances—such as the Patent Law Amendment Act, the Mercantile Marks Act, and the Election Petitions Act—sanctioned the principle of this clause, and enacted that in litigation arising under these Acts the costs awarded should be a full indemnity to the winning side. If it be objected that a rich or a timid litigant might put his opponent to an excessive expense, the answer was that the clause had been carefully prepared to avoid that possibility. He did not propose to make the defeated party pay all the costs for which the successful party might be liable to his own attorney. Such a proposal might open the door to considerable oppression, but only to costs taxed on a scale which would secure a complete indemnity for all reasonably necessary expenses both before and during suit. The most respectable solicitors were always willing to undertake the conduct of a suit in Chancery for the remuneration allowed by the Court, and the system of taxation adopted prevented either oppressive or "fancy" costs being allowed out of funds when administered by the Court. While a staff of competent Taxing Masters was maintained he failed to see why their services should not be applied to secure a reasonable result instead of perpetuating a practice which worked injustice and was unsuited to modern requirements. The language of the clause which he proposed had been submitted to some of the highest authorities and had received their approval.

Clause brought up, and read the first time.

Motion made, and Question proposed, "That the Clause be read a second time."

*Mr. Jackson*

MR. OSBORNE MORGAN said, the clause was so reasonable that it was surprising it had not been adopted before.

MR. ALFRED MARTEN said, the clause, if adopted, would establish complete control over the costs.

MR. SERJEANT SIMON said, no man should be put to expense or loss in asserting or defending his legal rights. He contended the principle should be that the winning party should be reimbursed all costs both as between party and party, and attorney and client, subject, of course, to taxation. He cordially supported the new clause.

SIR HENRY JAMES said, that the present mode of awarding costs in the Common Law Courts did not appear to throw any heavy burdens on successful parties, and it was desirable that too much encouragement should not be given to litigation. If the attorney knew that he would get his whole costs it would increase the inducement to resort to litigation, and would, in fact, be a premium upon the introduction of a class of cases and a class of practitioners that ought to be avoided.

THE ATTORNEY GENERAL said, that this was hardly so much a question of principle as of policy. It was true that, with the exception of his hon. and learned Friend who had spoken last, every Member, who had addressed the Committee, had spoken in favour of the Amendment; but the opinions so expressed were the opinions of Members of the legal profession only, and he (the Attorney General) thought that before the Committee agreed to a change in the rule which had been established for so many years, they should have some general expression of opinion on the subject. They had not had any such general expression of opinion on a question in which the public were really the persons interested. If he entertained a stronger feeling in favour of this clause than he did, he should appeal to the Committee not to deal with a question of this kind without having ascertained the general feeling of the public. Although there would be advantages in certain cases in giving the winning party his whole costs, he much feared that the general adoption of the rule would greatly multiply speculative actions, and would lead to a great deal of harassing litigation. He therefore asked the Committee to hesi-

tate before it sanctioned any change in the existing system, which might prove a considerable burden on the unprofessional community.

SIR ANDREW LUSK observed that this practice of not giving the winning party in a suit his whole costs was one of the greatest injustices of which suitors had to complain. He was very much surprised to hear the hon. and learned Member for Taunton (Sir Henry James) say that a man should not get justice because it might encourage litigation. They had to pay an enormous sum for Judges and law, and it would be very hard if a man in this land could not get justice. He considered justice one of the brightest gems in the Crown of England. He knew many men in London—and he was one of them—who would suffer wrong rather than go into a Court of Law; and just let the Committee fancy justice being administered in such a way that it was not worth trying to get it. It was not a creditable state of things, and he would appeal to the Attorney General to do something to remedy the evil.

MR. LOPES expressed his concurrence in what had been said by the hon. and learned Member for Taunton.

MR. LEEMAN said, that as a member of the other branch of the profession, he might be allowed to say a few words. He had been in practice as a solicitor for between 30 and 40 years, and he had many times to advise a client, when he knew he was in the right, to submit to an injustice rather than go to law, because the actual expenses must far exceed the allowed and taxed costs. If the hon. and learned Gentleman (Sir Henry James) had passed some time in the earlier years of his life in a solicitor's office it would have been better for him, and he would have had sounder views on this subject. As the Bill stood there were many cases in which a suitor might get a verdict, but in which he would not recover costs. The Judge might refuse to give costs. The Attorney General said there had been no expression of public opinion on this question; but when had the public had an opportunity of expressing their opinions? The hon. and learned Gentleman knew that the great branch of the profession to which he (Mr. Leeman) belonged had long felt that this was a grievance which ought to have been redressed. The Attorney General might

be unwilling to interfere with the old principle as to costs; but it was really taken away by Clause 52, which enacted that the costs which were incident to the litigation might be allowed at the discretion of the Judge. It might be said that, unless costs were taxed as between party and party, the solicitor might go into unnecessary expense by engaging scientific witnesses and eminent counsel with large fees. There was, however, no difficulty. In the case of any extravagance on the part of the solicitor, why should not a discretion be given to the Judge who tried the cause to say whether the items ought to be allowed? There was no one who might not be driven into Court to defend his rights. It mattered little to the solicitor, who had the client behind him to pay the costs disallowed by the taxing-master; but the general public were interested in the question, and he trusted that the Attorney General would see his way to adopt at least the principle of the Amendment.

MR. GRANTHAM said, he had certainly heard complaints from suitors who, after they had gained a cause, found themselves saddled with a very heavy burden of costs. The Amendment, however, was too wide, and he would suggest that the clause might be made permissive, so that the Judge would have the power, in cases where he thought it proper, to allow the costs between client and attorney.

MR. DODDS said, he hoped the Committee would adopt the clause. As an active member of the profession to which the hon. and learned Member for York (Mr. Leeman) belonged, he had known the greatest injustice inflicted on litigants by the rule in force at the present time. No one would contend that fancy fees should be paid by the unsuccessful litigant; but that was very different from taxing the successful litigant with a great deal of the necessary costs he had incurred.

SIR JOHN KARSLAKE said, he hoped the hon. and learned Member for Coventry (Mr. Jackson) would not press the clause, which, in his opinion, went too far. The Bill, as it now stood, gave the Judges a discretion in the matter of costs, and all that he thought was necessary was that in particular cases they might have the power of allowing the costs between the attorney



and the client. He, for one, thought that the discretion which was now conferred upon a Judge of determining whether costs should be allowed, and in what proportion, was a salutary rule under existing circumstances. He thought the proposal of the hon. and learned Member for Coventry went too far. The effect of it would be that although the Judges might think it perfectly wrong to give costs, they were yet to be told that if they did award costs to one particular party they were to be bound to award them on a particular scale, and in a particular way, instead of leaving it to the Judge's discretion. He would suggest that the Amendment should for the present be withdrawn, with a view to his hon. and learned the Attorney General considering the question in view of the arguments which had been advanced on each side, before the bringing up of the Report.

Question put.

The Committee divided:—Ayes 61; Noes 193: Majority 132.

Committee report Progress; to sit upon *Thursday*.

ENTAIL AMENDMENT (SCOTLAND) (*re-committed*) BILL.—[BILL 248.]

(*The Lord Advocate, Mr. Secretary Cross, Mr. Cameron.*)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

MR. LEITH objected to the Bill being proceeded with at such an hour (6.45.) but—

GENERAL SIR GEORGE BALFOUR said, there was a general wish to get the Bill reprinted with the Lord Advocate's Amendment, and though the Bill fell far short of the expectations and wishes entertained by his hon. Friend and himself, yet, as it was a movement in the right direction in relieving Scotland from the entail incubus which bore so heavily on their country, he, (Sir George Balfour) begged of his hon. Friend the Member for Aberdeen to allow the clauses to be passed, withdrawing his objections; otherwise the Bill must be lost for this Session. He would also remind his hon. Friend that the Bill was introduced late in the Session on the understanding that it could only be passed if not opposed.

*Sir John Karlake*

Clause 1 to 8, inclusive, *agreed to*, with Amendments.

Clause 9 (Provision as to entailed estates now charged for improvements).

THE LORD ADVOCATE moved, in page 8, line 33, after "sanction," to insert—

"(3.) Bonds and dispositions in security granted in terms of this section shall set forth the rate of interest stipulated to be paid from the date of the advance until repayment, with corresponding penalties, and may be in the form, and shall have the effect and operation, and be subject to the conditions and provisions as to keeping down interest, which are mentioned in the preceding section."

Amendment *agreed to*.

Committee report Progress; to sit again upon *Thursday*.

It being now Seven of the clock the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

#### SCIENCE AND ART DEPARTMENT (DUBLIN).—RESOLUTION.

MR. SULLIVAN rose to move—

"That, in the opinion of this House, Science and Art Education in Ireland, especially as applied to manufactures and industry, and the diffusion of Technical Instruction amongst the working classes, is in an unsatisfactory and defective condition; and that it is expedient and just, and would be in accordance with promises heretofore made by Ministers of the Crown, as well as with the frequently declared desires of the Irish people, that there should be established in Dublin, under management calculated to command the confidence of the classes intended to be benefited, a National Institution of Science and Art, with a comprehensive Museum analogous in purpose to and in co-operative connection with that of South Kensington."

The hon. Gentleman said, he was sorry that a subject so unexciting as that he was bringing on came before the House at such a period—so late in the evening, and after so much fatiguing work—but that the patience of hon. Members might not be tried he would be brief. Yet he did hope, that the importance of this subject would attract to it the attention not only of the House, but of Her Majesty's Ministry, irrespective of any impatience at the statement he might make. The importance of bringing technical education to the masses of the people was well understood now, and it was very much where the subject of general education was about a genera-

tion ago. Some of them could remember the time when it was considered beyond the province of the State to concern itself with the education of the people. It was quite a modern idea that the State should take that cognizance of the education of the people which we had come to take in the present day. Certainly not very long ago the utmost the State felt called upon to do in the ordinary education of the people was to help in a trifling degree the benevolent efforts which private individuals were making to advance the education of the masses of the people. In our own time, however, society had wakened up to something like a true conception of the necessity of the duty on the part of the State to concern itself with the educational requirements of the masses of the people. Twenty or 30 years ago, when he was a boy, it seemed preposterous to expect the Government to do anything for the science and art education of the people beyond granting a small sum, rarely locally applied, for the establishment of schools of design, and in doing this he thought he should be able to show to the House that the Government began very much at the wrong end. They began with the idea that the aim in encouraging art should be to develop every now and then a Maclise or a Gibson; whereas their efforts should have been directed to the advancement of the education of the masses of the people, and the science and art imparted should have had an industrial application. And he did not intend to concern himself now with science and art in the higher branches, but merely to art and science as applied to the industrial occupations of the people; and, before he spoke of Ireland, he would assert generally that in England, as well as Ireland, too little had been spent on the matter as compared to that which had been expended in other countries. And the history of English manufactures would give a proof of this assertion. Many years ago articles of English manufacture were in great request in all the markets of the world, owing to their soundness and durability; but no sooner did the element of taste begin to hold sway than the British manufacturer began to be beaten in point of design by the manufacturers on the Continent, and the Government then, as a matter of direct

financial interest, and not in the way of aspiration for the development of art—the Government then 40 or 50 years ago took art and science as applied to manufacturing industry by the hand. The result was the International Exhibition of 1851, which served to show that the British workman in point of ability in design was far behind the workman of any other country in Europe or the world, and the Reports of the Committee created something like a sensation when they, in effect, declared that such was the state of things. The present Minister for War emphatically stated that English workmen were far behind those of other countries in their scientific and artistic knowledge. There was a remarkable improvement noticeable at the Exhibition of 1862 in the education of the British artisan, and still greater improvement had taken place in 1867, and progress was still being made, but whilst in England the workmen had been advancing, although they were still behind those of Belgium, France, and Bavaria, those of Ireland had remained a long way behind the artisans of England. And the Irish, it would be admitted, were a quick-witted and intelligent race, and had, he believed, proved themselves to be especially adapted for the pursuit of art and science if they got the chance. His countrymen, he was sorry to say, in emigrating carried into other countries—to America and Canada for instance—only the rude raw material of physical labour; whilst the workmen from those countries where more attention was paid to technical education carried with them a developed ability which enabled them to take the superior posts. Irishmen were almost invariably found doing the heavy work with the pick and hod, whilst the gangers and overseers were foreigners. He did, therefore, impeach, although it might seem audacious, the efficacy, and completeness, and sufficiency of the present system of education here, even for English purposes. It would not do now-a-days to set the goddess on a high pedestal, and say to those who wished to be her votaries—"Go and worship her." They must bring art to the doors of the people. In proportion as the Government had succeeded in bringing art to the homes of the people, in that proportion had it flourished. He deprecated the system of centralizing scientific and artistic institutions, where the masses of

the people could not get at them; and a very moderate idea of science and art made practically useful to the people would be more valuable than an institution like the South Kensington Museum, which was too distant from the working classes to be useful to them. He would prefer to have a large number of museums throughout the country than a concentrated and magnificent collection in the suburbs of London. The Queen's Institute in Ireland was an illustration of the advantages of the system he advocated, an institute which was carried on by ladies, and which was originally intended for the purpose of enabling certain young ladies to obtain a livelihood. Painting on porcelain and designing on linen were there taught, and the manufacturers of Dublin and Belfast and elsewhere in Ireland accorded the liveliest praise to the institute for the beneficial effect it had had upon their industries. No doubt, if we could get rid of the dispute between Leinster Lawn and Kensington, there would be a solution of the difficulty so far as Ireland was concerned. Leinster Lawn was partly a private institution, and those who made use of it were not sure of their position, there being a want of clearness as to whether they obtained their admission on sufferance or as matter of right. There were a number of artistic and scientific institutions in Dublin receiving grants from Government, but they were not doing anything like the amount of good that one harmonized institution would do for science and art in the country. A number of private gentlemen in 1867 instituted the Exhibition Palace in the interests of science and art, but the affair was a failure. After that, a number of gentlemen associated themselves together for the purpose of pressing on the Government the desirability of taking that building and of establishing therein a large national museum. These gentlemen represented every shade of opinion in Ireland, and were drawn from all ranks. A deputation waited on the then Chancellor of the Exchequer (Mr. Hunt) in March, 1868, and pressed their views on him, and, in reply, he said—

"My hon. and gallant Friend has said that he hoped the Government would not be able to resist the pressure put on them, but they wanted no pressure, because he thought that Her Majesty's Ministers had taken the initiative in the matter."

*Mr. Sullivan*

They had a Conservative Ministry then, and they had a better Conservative Ministry now, and he hoped that they would realize in 1875 the splendid promises held out in 1868. The right hon. Gentleman proceeded—

"The Government proposed to give to Dublin an institution analogous to that of South Kensington, which should not be subordinate to an English establishment, but should be under Irish direction."

That reply of the right hon. Gentleman covered the whole ground; and it was impossible to exaggerate the rejoicing which it caused throughout the whole of Ireland. But soon afterwards it began to be whispered that jealousies had broken out amongst the existing bureaux as to who should be ruler, who suppressed, and who absorbed; and later on strong rumours were heard that after all nothing would be done. But hope revived when it became known that the right hon. Gentleman the Chancellor of the Exchequer intended to visit Ireland and see how matters stood for himself. He came over, and a deputation, including the late Sir Benjamin Guinness, waited on the right hon. Gentleman, and then found that the Government had wavered, and modified their promises to this extent, that they referred the matter to a Royal Commission. When this became known, he (Mr. Sullivan) said—"The bureaux will conquer, and we shall have no Museum of Science and Art in Dublin." A Commission was appointed, and if he were opposed to-night he could only be opposed by meeting him with the evidence taken before the Commission. Although the Commission was composed of men of high position in the country, yet he impeached their conduct as a grievous departure from the instructions they received from the Crown; for after perusing their instructions they say—

"Feeling that the creation of an entirely independent department of science and art would be detrimental to the study of science and art in the country, and believing that we should probably be unable to devise means to carry out your Lordship's opinions, we refer to your Lordship for instructions on the subject."

and the Commissioners went on to ask that they might be allowed to report on some other scheme which they might devise, and not on the scheme promised to Ireland by the Government. This Commission took evidence in a spirit, if not hostile, yet adverse, to the intentions



of the Government and adverse to the wishes of the Irish people; and this could be shown by the fact that the whole of the witnesses examined on the subject in Dublin, every manufacturer in Ireland, and every independent gentleman and officer gave evidence in favour of the Government proposal; and the only witnesses examined in accordance with the minds of the Commissioners were officials connected with the existing institution. All the independent witnesses said in effect—"South Kensington is a failure, so far as Ireland is concerned; you must have a comprehensive institution, federate the existing societies, place the whole under proper management, and then it will be a success." He would not weary the House by going through the evidence taken before the Commission; he contented himself with this summary, leaving to his opponents—should he have any—the task of refuting his statement. In conclusion, he implored the Government not to aggravate the present evil by delay. He led them to remember that the evil of delay was most grievous to the generation growing up, and that every seven years an apprentice's life was lost to the country. In 1868 they were promised a museum by the Government; the Report of the Commissioners advised that £40,000 or £50,000 should be spent in the erection of a new wing to the Royal Dublin Society's premises, for the purpose of a large gallery of industrial art, but up to the present nothing had been done. The hon. Baronet (Sir Arthur Guinness), complained in 1868 of the delay which had already taken place. He hoped there would be no further delay; the question of a site need not embarrass them. He did not care where the new institution was built, and until it was built the Exhibition Palace might be utilized for the purpose. The Government having broken faith with the Irish public upon this subject, the hon. Baronet the senior Member for the City of Dublin (Sir Arthur Guinness) stepped in and with his own purse he had maintained for two years the expenses of an exhibition of industrial art in that city, and he (Mr. Sullivan) had brought forward this subject out of justice to him, and for the purpose of saying what he thought ought to be said. Earl Spencer had on many occasions deplored the non-existence of such an

institution in Dublin, and expressed his hope and belief that the Government to which he belonged would have established one, and he (Mr. Sullivan) hoped and trusted that Earl Spencer's farewell words in advocating its establishment would be realized by the present Government. He also expressed his belief that its accomplishment would not be more heartily welcomed by any one in Ireland than by the present popular nobleman who filled the office of Viceroy of that country.

SIR ARTHUR GUINNESS seconded the Motion, and said that, in the main, he agreed with what had been stated by the hon. Member for Louth. There could be no doubt that the necessity for this art museum and the improvement of art existed in Ireland, for it had been proved over and over again, and admitted by successive Governments and every great authority on that subject. It was no doubt much easier to admit the necessity than to carry out a scheme to place Irish art education in the position in which it should be placed. In 1867 a deputation, of which he was a member, waited on the Chancellor of the Exchequer, as the hon. Member for Louth had described, and the result was the appointment of a Royal Commission, which reported in 1869. In 1870, 1871, and 1872, the matter was brought before the Government in Dublin and elsewhere by various societies, and by himself, but nothing was done. In 1870 Lord Spencer admitted the want of a museum of ornamental art for Ireland, and expressed his wish to see one built; and in 1873 Lord Spencer spoke as conveying to his successor the task of carrying it out. In 1874 he (Sir Arthur Guinness), brought the question before the present Government by a Question in the House of Commons. It was received in the kindest way by the present Chief Secretary for Ireland, who promised that the attention of the Government should be directed to it during the Recess. This year he placed a Notice on the Paper to again call attention to the subject, but he postponed it at the request of the Chief Secretary, who, on the part of the Government, stated that it was under the consideration of the Government, and promised that a favourable answer would be given later in the Session. The hon. Member for Louth had taken up the question on

independent grounds, and this would show the House that the desire for a museum of industrial art and science existed on both sides of the House, amongst every class and every shade of political opinion. It was quite true that a direction was given to the Commission to report on the founding of a department of science and art in Ireland independent of South Kensington; but he could hardly think, considering the character of the Gentlemen who formed the Commission, and among whom were the Marquess of Kildare (Chairman), Mr. George Alexander Hamilton, Professor Huxley, and Dr. Russell, President of Maynooth, that they deserved the strictures which had been passed upon them by the hon. Member for Louth, because they were obliged, from the evidence, to report against an independent department. He thought that the Commissioners were capable of forming the clearest judgment. But the Report of the Commissioners clearly showed that the Commissioners considered the Commission would be useless unless the scope of their inquiry was widened. With respect to the subject of the Royal Dublin Society, which had been alluded to, he had the honour of being a member of the Council of that society, and he could not agree with the view which the hon. Member for Louth had taken with regard to it. The hon. Member for Louth had called it a private public society. That, perhaps, was true in fact; but he believed it would be more true to say, with respect to the practice of the society, that it was a public more than a private society because the public interest always came first. The Royal Dublin Society was an old, noble, and useful institution, but he was not there to give the society all it asked for. However, he thought the Report of the Commission was clear enough to solve part of the difficulty, and the rest of the matter might safely be left in the hands of the Government.

Motion made, and Question proposed,

"That, in the opinion of this House, Science and Art Education in Ireland, especially as applied to manufactures and industry, and the diffusion of Technical Instruction amongst the working classes, is in an unsatisfactory and defective condition; and that it is expedient and just, and would be in accordance with promises heretofore made by Ministers of the Crown, as well as with the frequently declared desires of the Irish

people, that there should be established in Dublin, under management calculated to command the confidence of the classes intended to be benefited, a National Institution of Science and Art, with a comprehensive Museum analogous in purpose to and in co-operative connection with that of South Kensington."—(Mr. Sullivan.)

SIR EARDLEY WILMOT supported the Motion. He apologized, being an Englishman, for venturing to take part in a discussion which so many Irishmen present must necessarily understand far better than himself. He thought that in this case injustice had been done to art and science in Ireland. He was exceedingly pleased at the moderate way in which the hon. Member for Louth (Mr. Sullivan) had brought the subject before the House; but, at the same time, he could not quite agree with the view which the hon. Member took of the Commission. He had carefully read the evidence taken before that Commission, and its Report, with which he cordially agreed, and it was clearly to the effect that it was not advisable to have a separate department of science and art for Ireland. He trusted, however, that Her Majesty's Government would give their favourable consideration to the proposal to establish a school of decorative art in Dublin on a far more extensive scale than at present. One of the recommendations of the Commission was that the School of Art which had been so well conducted by the Royal Dublin Society should be turned into a State school and supported by Imperial funds; and he agreed with the hon. Member for Louth in thinking that the people of Ireland had reason to complain that nothing had yet been done towards carrying out that recommendation. With regard to the grants and payments made to Ireland, there was no doubt, comparing them with the grants made to England and Scotland, that they were infinitesimal. What was wanted with respect to Ireland was to encourage a love of art and science amongst the humbler classes, and that could only be done by establishing a science and art institution in that country; because the humbler classes could not afford to come over to England to study from the beautiful models which were exhibited at South Kensington. It might be asked why he took an interest in this matter; but they must always feel an

*Sir Arthur Guinness*

interest in a country which they felt was behind them in civilization; and as Ireland in the past had suffered wrong at their hands, this presented a favourable opportunity for conciliating the Irish people. They were a people who possessed many virtues and great capacities, and he would say on this occasion—

"Be to their faults a little blind,  
Be to their virtues very kind."

LORD ESLINGTON expressed his most earnest hope that Her Majesty's Government would give a favourable consideration to the very moderate, reasonable, and wise demand which had been made from the other side of the House. Whenever reasonable and moderate demands came from Ireland, English Members on that side of the House always felt the greatest pleasure in supporting it. He would not enter into the disputed question of the utility of South Kensington Museum; but he would say this—that if a little South Kensington in Dublin would be the means of bringing to industrious and clever people in Ireland an opportunity of studying art and manufacture, its establishment ought not to be resisted. It was well-known how remarkably successful the Irish were in competitive examinations in England, and it might be of great service to their industries to afford them in their own country, in the manner proposed, an opportunity of entering into competition among themselves. He hoped the Government would be able to see their way to accede to the Motion which had been made.

MR. D. DAVIES said, that being neither an Irishman nor an Englishman, he might be excused if he said a few words. He had a considerable number of Irish people in his employment during the last 20 years, and they always seemed to him to be suitable for something better than what they were doing. They were very witty, ready, and faithful; and he felt that if they had a little more assistance to enable them to study art and science they would become a very happy and useful people. It always seemed to him that Ireland was like a child which they were responsible for, and ought to educate in every possible way. If this Motion came to a vote he should certainly support it, and, if necessary, he should give the Irish people some of his money. With the greatest respect, he said, if the Irish people were

better educated, of course they would be better satisfied than they now were. A good many of those in his employ could neither read nor write, but the best workman he ever had was an Irishman, who on one occasion had broken down a strike, and ever since he had had a great respect for the Irish people. No doubt the Irish people were a peculiar people for accumulating, and they were therefore obliged to emigrate. He hoped the Government, feeling their responsibility, would do something to educate them.

THE CHANCELLOR OF THE EXCHEQUER said, he thought that the hon. Member who had brought forward this Motion must be very well satisfied with the general expression of opinion which had been manifested throughout the House in favour of his proposition, and he could assure him that the feeling which had been so well expressed by both English and Welsh Members was cordially reciprocated by Her Majesty's Government. They, however, looked upon the question not exactly in the light of the hon. Member who had last spoken. They did not consider they ought to look upon Ireland in the relation with which a father regarded his child, but that they ought rather to treat Ireland as an important integral part of the United Kingdom. He could not help feeling that what was good for Ireland must be good for the rest of the Empire; and he ventured to hope that they might be permitted to look upon the question in a broad and liberal spirit, not treating it as an Irish, but as a national, question. Some indication had been given that because this demand was made it ought to be granted, simply because the Irish people asked for it, and without considering whether it was the best thing they could do for them or not. He however, ventured to say that this was scarcely a respectful way of treating the Irish people in this matter. They ought rather to look upon it in the spirit in which they would regard a similar demand put forward by any other part of the United Kingdom. He believed that if the House would look at it in that way they would be brought to a conclusion which would tally with the conclusion of the hon. Member for Louth, but in a still greater degree with the views of the hon. Member for Dublin (Sir Arthur Guinness), although somewhat differing



from either. He did not like to say much about himself; but he must observe that he took a peculiar interest in this question. The hon. Member for Louth had reminded the House that this question of art education was attracting more and more interest in the United Kingdom. That was perfectly true, and he might venture to remark that for a very long time he had in some way or other taken an active part in the matter. In the early part of his official life he took an interest in the School of Design, about which the hon. Member had spoken; he was also interested in the Great Exhibition which had been alluded to, and it was also his privilege, during the period of his administration at the Board of Trade, to have assisted in establishing the Science and Art Department which was afterwards formed. He had also had some experience of schools of art in the country, and he was altogether confirmed in his views of the importance and advantages of the question. The hon. Member, in speaking of South Kensington, had treated it too much as an English institution, and as one which was not of very great utility to Ireland. In commenting on the Report of the Committee of which Lord Kildare was Chairman, the hon. Member had spoken in depreciatory language of the official evidence that had been taken before it. But the officials in question had been very zealous and patient in the matter, and had done their best not to magnify the merits of this or that institution, but to do all they could for the general interests of the country. He was, however, quite prepared to say that he did not think they had yet attained to a really proper system. He believed there was room for a great deal more exertion and assistance on the part of the State for the promotion of education in science and art; and, more than that, he believed that a great deal of the assistance which was given might be given more satisfactorily. There was a waste of power and a waste of money; but, notwithstanding this, great advances had been made, and he believed the system was one which had real life in it, and which might be easily developed until it met the educational wants of the country. He would draw the attention of the hon. Member for Louth to this fact—that they had to distinguish between two functions at South Kensington—namely, the functions of a museum and

those of a great art school, and they ought to consider how far the good it did was capable of being broken up into separate South Kensingtons in different parts of the country. With regard to the system of teaching, he thought it would be a great misfortune if we were to break up the general principles on which the system of teaching was founded. A great deal would be sacrificed if we threw up the advantages of the school of art at South Kensington as the centre and mother of all other art schools in the country. There was one great advantage which took place from what occurred in 1851. Before that time there were schools of art in the different seats of manufacture—in Manchester, Birmingham, Dublin, Belfast, and Cork—but it was not until we were able to bring them under one system, of which South Kensington was made the focus, that we gave the impulse the right direction. He thought it would be a great pity to sacrifice the advantages arising from the centre of South Kensington; but he believed that a great deal more might be done to improve the various branch schools throughout the country, and that that object ought to be kept in view. He did not know much of the practical working of the system, but the President and Vice President of the Council were thoroughly impressed with the importance of making South Kensington collect into a focus for diffusing throughout the country art education. Beyond the question of education there was another, and that was what was to be done with the art museum? We had a magnificent collection, unparelled in the world, but the mere accumulation of these treasures at South Kensington was far short of what the country required, and it was desirable that not alone in Ireland, but in various other parts of Great Britain, different neighbourhoods and localities should have collections of their own. It was a great object that we should have efficient and adequate museums in some of our principal seats of industry in this country, and also in Ireland, and that South Kensington should be brought into relation with these museums with the view of assisting them by a proper system of loans of the articles which were possessed in London. He thought the Imperial Government and Treasury might assist these local museums, especially if they were not

with that munificence which characterized many of our great seats of industry, as well as Dublin and other parts of Ireland. It would be one of the objects of the Government to endeavour to meet in a liberal spirit exertions of that kind. He entirely agreed with the sentiments expressed by many speakers that there was amongst the Irish people an aptitude for art, which it was the duty and interest of the Government to encourage. He remembered that in the school in Cork there were casts by Foley which were distinguished almost above those of any school of design established in any part of the Kingdom; and, from what he had heard of the students who came from Ireland, he was convinced that they were able to hold their own in competition with those from any other part of the Kingdom. The artistic genius of Irishmen was not a thing of the past, but of the present also; and this natural genius ought to be developed and encouraged. He did not think the hon. Member for South Warwickshire (Sir Eardley Wilmot) was quite correct when he spoke of the amount given to Ireland being so infinitesimally small as compared with that given to other parts of the United Kingdom. A Return moved for by the hon. Member for Durham showed the sums derived from Parliamentary grants expended in each year since 1852 for science and art in England, Scotland, and Ireland respectively; and, taken according to the population, the apportionment seemed to be very fair for each part of the Kingdom. At the same time, he thought the money spent in Ireland might be somewhat augmented, and that its administration might be improved. There was a good deal of waste in the way in which these funds were distributed amongst the different institutions in Dublin, and he thought it would be an object to endeavour to bring about something in the nature of a more central museum, and perhaps the lines which were laid down in the Report of Lord Kildare's Commission were those which it might be well to follow. This was a subject which was now engaging the attention of the Government, and which they were most anxious to entertain, and he could promise the hon. Member for Louth, and the House generally, that it should not be for want of examination on the part of the Government during

the approaching Recess if they did not arrive at some satisfactory step in regard to this matter. He thought they might be able to devise some plan by which they might be able to meet what he admitted was a very legitimate desire. In saying this, he wished to guard himself from indicating that they would in any sense break up the great central institution at South Kensington, or ignore the advantages to be gained by having a properly centralized system. The great problem was to harmonize, as far as possible, central assistance with local agency and local administration. He hoped the hon. Member would be satisfied with the assurance which he could give him on the part of the Government. He was speaking quite in earnest in saying that they would take this matter up seriously and deal with it without unnecessary delay; but he hoped the hon. Gentleman would not pledge them to any particular scheme such as that embodied in his Motion.

Mr. VANCE regretted that no Member on the front Opposition bench had risen to state why Lord Kildare's Report of 1868 had remained so long in abeyance. He thought the plan which the right hon. Gentleman had shadowed forth was much more likely to meet the approbation of the people of Ireland generally than the plan submitted by the hon. Member for Louth. He thanked the Chancellor of the Exchequer for his full and encouraging statement.

Mr. LAW observed that the late Government had been anxious to do something in the direction which had been pointed out, but the large measures in which they had been engaged had prevented them from carrying their wishes into effect. They had left the ground clear for the present Government to deal with museums and matters of art.

Mr. MITCHELL HENRY observed, that centralization in art had the same effect as centralization in education, and he was convinced that it was destructive to all excellence. The houses in Dublin, the residences of noblemen and gentlemen before the Union, which were now appropriated to Government and educational institutions exhibited, both externally and internally, a style and character of architecture which contrasted favourably with buildings of the same class in this country. There was a distinct school of plastic art, and the



decorated ceilings were far superior to similar works in England. What was wanted in Ireland was a system of federation of the schools of art in Dublin, and he believed that the removal from them of the shackles which existed would do more good for them than any other process. He urged the House not to dwarf art education in Ireland by centralizing everything at South Kensington. For his part, he should like to see a national school of art established in Scotland and a national school in Ireland, and would allow them to compete with each other.

Mr. SULLIVAN said, the Chancellor of the Exchequer had misconceived his object. He had never contemplated that South Kensington should be broken up, or that a kindred institution should be established at Dublin having no connection with South Kensington. But while he accepted the statement of the right hon. Gentleman as being satisfactory on the whole, he warned him not to attempt to go too far in the direction of centralization. He would withdraw his Motion on the understanding that the Government would, as they had promised, take up the whole subject at the earliest possible period.

Mr. P. J. SMYTH said, he was not able to join in the feeling of satisfaction which had been expressed in reference to the statement of the Chancellor of the Exchequer. At the same time, he could not help hoping that the wishes of the supporters of the views entertained by the hon. Member for Louth would be realized.

Motion, by leave, *withdrawn*.

#### NAVY (RETURN OF CRIME AND PUNISHMENT).—RESOLUTION.

Mr. P. A. TAYLOR, in rising to move—

"That, in the opinion of this House, it is desirable that Returns of crime and punishment in the Navy should be annually presented to Parliament,"

said: It will be in the memory of those hon. Members who take a more especial interest in the well-being of great naval establishments, that some 10 years ago the Government of that day established a series of annual Reports upon the condition of crime and punishment in the Navy. These Reports were of the most complete and useful kind. They showed

to this House the entire condition and progress of the discipline and morale of the Navy; they showed station by station, and ship by ship, the condition of the men and of the officers. These Returns have now been stopped for several years. When, a few weeks ago, I called the attention of the First Lord of the Admiralty (Mr. Hunt) to the cessation of these Reports, and asked if he would not cause them to be resumed, he gave me a reply which I have reason to know excited considerable disappointment among some of the best friends of our Naval establishment, and the reason he gave excited no less surprise than the refusal excited disappointment, because he said—

"The expense of preparing the Reports was very great, and the advantage to be derived from them was not so considerable as to induce him to continue them."—[*3 Hansard*, cxviii. 1509.]

I hardly know how to deal with the statement of the right hon. Gentleman that these Reports are so expensive. Of course, the expense he means is the expense of collection, not the mere cost of presentation to this House. I am sure he will not tell this House that these Returns are not made regularly to him as First Lord of the Admiralty. I have taken some time to ascertain in the proper quarters what would be the cost of collecting and abstracting the information that I think is required, and I have been assured that a clerk power, costing £200 a-year, would be amply sufficient for the purpose. That is without the cost of printing and presenting the Return to the House; but, whatever should be the expense, I would venture to suggest to the right hon. Gentleman at the head of the Admiralty it would be one well worth incurring by the publicity obtained, and the means given to hon. Members of this House who take an interest in our Naval establishment to ascertain what is going on. I am quite sure that any amount would be worth expending. We expend £10,000,000 yearly in caring for the welfare and strength of our Navy, and cannot we afford a few hundreds or a few thousands in order to procure that means of testing what we are doing, which we insist upon, and wisely insist upon, in every other Department of the State? I was much struck with a statement made by Captain Wilson, R.N., in a paper he read at the

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beginning of this month at the Royal United Service Institution, on "The Seamen of the Fleet." He told us that in the three years from 1871 to 1874 there were 18,683 sailors, blue-jackets, and the waste upon them was from 11·5 to 14 per cent. Of this number desertions in 1871 were 709, and this offence was increasing, for in 1873-4 the numbers were 835, and for 1874-5 they were nearer 1,000 than 800. He added that in his estimation the cost of each man before he was trained to the Naval Service was £300 or £400, and that the country thus expended in making men able-bodied seamen from £200,000 to £300,000 per annum. I think from this it will appear that no question of expense should stand in the way of the fullest information being given to the House of the condition of the Navy. If there were but two or three harshly treated men, and the influence of public opinion might have prevented their receiving that harsh treatment, these Returns would have been worth having. This country has always taken the greatest amount of interest in the condition of the Navy. Not many years ago there was a great outburst of indignation in the country at the flogging which went on in the Army and Navy, and the Government promised a great deal. The matter was amended to a certain extent; but I am afraid the House is not aware of the extent to which it still goes on, as shown by one of the Returns I am alluding to. Lord Clarence Paget, in the discussion in 1860 of the Naval Discipline Act—and I need not tell the House that it is upon this Act that these punishments rest—said—

"I cannot resist the pleasure of reading to the House certain statistics with regard to corporal punishment which I have been at some trouble to procure, as they show that year by year this degrading punishment is decreasing in a steady ratio, and it is gradually dying out of the Service. I am positive that the necessity for its continuance will even more rapidly diminish if the House will continue, as it has hitherto done, to support the Government in its efforts for the maintenance of discipline, and for the improvement of the service by the training of a large number of boys, who, having entered at an early age, become attached to the Service, and in the great majority of instances turn out skilful and valuable seamen."—[3 *Hansard*, clx. 1655.]

There has been, I need not say, a vast improvement in our seamen, through

good management and care. I am informed that at the present day there is hardly a man in the Naval Service who cannot read and write, and that the old Jack-tar, with his rough, loose, dissipated, not to say debauched, habits on shore, is an extinct animal. Instead of him we have a body of as well-conducted men as any class of Her Majesty's subjects, and the more this is true the more the shame that we still allow to hang over them a system of punishment by flogging which is now almost abolished in the Army, and which, until lately, had been entirely abolished in the Civil Service. Ours is the last Service in the world where it is retained. The Dutch gave it up 10 years ago. But, Sir, the parallel is still stronger in regard to our mail steamers. There they have some hundreds of men, with an amount of responsibility in regard to mails and passengers which cannot be exceeded even by our war ships, and yet there, I need not say, the lash is unknown. Now, Sir, this is not, and should not be in any sense, a Party question. Every individual in this House, no matter what his political views, has the deepest and strongest interest in the good management, welfare, and strength of our Naval Forces. Still, it is impossible to forget, although I would not lay too much stress upon it, that a Liberal Government established these Returns; that it is a Conservative Government which has cut them off; and that it is a Conservative Government which has refused up to this time to allow them to be published. Yet I think the House will acknowledge, when I mention names, that they were able men who first laid these Returns on the Table of the House, and men who were not likely to introduce a system which would not be useful. The Duke of Somerset was First Lord of the Admiralty. Sir Frederick Grey, the House will acknowledge to be one of the best officers in the Service, a strict disciplinarian, and a wise administrator; while Lord Clarence Paget represented the Admiralty in this House. In 1865, in introducing these Returns, he said—

"We intend to lay on the Table of the House annually a report of the crime and punishments which take place in the Navy. There is an old French proverb to the effect that 'Dirty linen should be washed at home,' but I think it desirable that the real state of the case should be submitted to Parliament. . . . These Returns are of such interest, as exhibiting the progress

that is going on in the Service, that the Committee will, perhaps, permit me to quote a few figures."—[3 *Hansard*, clxxvii.]

Now, Sir, that I think was a wise statesmanlike statement. The House would learn in this manner the exact state of the Navy, and the amount of success which had attended the efforts of the Government for the improvement of the men. I am sorry to say a different spirit prevails now. As was said by *The United Service Gazette*, in May of this year—

"In all matters connected with the Navy, more especially in regard to its interior economy, there is too evident a desire to keep the public in the dark. It would be better for the Service if the country knew more about its system of administration. Judging from the tone of the replies too often made in the House of Commons, to Members who venture to put Questions affecting the Navy, it would almost appear that such questions were deemed as an impertinent interference."

These Returns were suddenly stopped in 1867 by Sir John Pakington, now Lord Hampton, who was then at the head of the Navy, and the only ground that was alleged for such a step was that they were offensive to certain commanding officers. The House will well understand that the publication of these Reports would be offensive to certain commanders; but the fact that they were so should make those who have the real good of the Navy at heart all the more desirous that they should be retained. The officers who do not like them would not be those who are attached to the Service and care for their men, who maintain discipline and yet retain their men's affection and respect. Nor would it even be the rigid disciplinarians, because they have the respect of their men, It would be just those careless officers, such as will ever creep into the best service, who alternate a gross laxity of discipline with a disgraceful severity of punishment. The journal from which I have already quoted says, in the same article—

"It may not be agreeable for some captains to see the results of the discipline carried out on board the ships under their command made public, but the good officer would have nothing to be ashamed of. The suppression of statistics formerly made was due to the interest certain captains had at the Admiralty, who objected to the notoriously discreditable condition of their crews being annually made a reflection on themselves, although in some instances it was richly deserved."

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Some people treat this subject as though one crew were composed of good men and another of bad, and as though it were a great hardship to expose the one or the other, as though they had anything to do with the discipline or management of their ships. But I think I can show by quoting the best authorities on the subject that the condition of a ship depends far more upon the officers in command than upon the character of the men sent to the vessel. Lord Hardwicke, speaking in the debate on the Naval Discipline Act, in 1860, said—

"He was of opinion that the discipline of the Navy was equally, if not more, dependent on the character and conduct of the officers in command than upon the code of laws under which they acted."—[3 *Hansard*, cliv. 1614.]

This was also the view taken by Commodore Wilmot, commanding the *Africa* squadron, who said—

"I have remarked to the commander on the increase of minor punishments, and suggested a greater amount of supervision amongst officers and others appointed to superintend and control the men. I am quite certain that one-half of the minor punishments need never have been inflicted if a proper vigilance had been exercised by the officers."

That appears in the Report of 1863. Now, Sir, we have continual Returns of the effect of civil punishment, and upon that are founded our laws, the alterations that are made, and the estimates of the advantage which result. But this is far more necessary in regard to our Naval Service than if it is in regard to our Civil Service. Our Navy discipline is still of the most tremendous and Draconian severity. It includes every punishment from a simple reprimand and the discretion vested in the officer is of the most absolute description. Simple larceny may be punished by imprisonment for life; 17 offences are punished by death; for penal servitude there is no limit. Thus, while under a good officer, a ship may be a republic or a happy paternal government, as the case may be, it is in the power of a tyrannical commander to make his ship a very hell. Nor is there anyone to report these punishments or to call attention to them. Abroad there is no press dealing with these matters, and it must be remembered that by the Naval Discipline Act it is not merely naval crimes that are dealt with. The 45th section of the Act says—

"If he shall be guilty of any other criminal offence which, if committed in England would be punishable by the law of England—he shall, whether the offence be or be not committed in England—be punished either in pursuance of this Act as for an Act to the prejudice of good order and naval discipline not otherwise specified, or the offender shall be subjected to the same punishment as which for the time being would be awarded by any criminal tribunal competent to try the offender if the offence had been committed in England."

That is, that any crime is to be so punished—whether it be connected with discipline or not. The Act of 1661, which was in force until this Act was passed, was strictly confined to naval offences, murder, and robbery. The result of this is that our naval officers, who are not trained lawyers, and usually know very little about law, have to decide a number of cases, not as in the Army with the assistance of a Judge Advocate General, but by themselves, and as a consequence men are, for instance, often illegally flogged.

Notice taken that 40 Members were not present. House counted, and 40 Members being found present,

MR. P. A. TAYLOR resumed: The result, as shown by the statistics published in 1862, 1863, and 1864, was certainly not one to make us satisfied with the condition of the Navy. In 1863, out of a force of 49,463, the total crimes and offences were 106,703, or considerably more than two per head of the whole force. Of these there were for mutiny, 15; insubordination, 7,873; theft, 620; drunkenness, 10,142; absence without leave, 41,860; minor offences, 48,552; desertion, 1,570. The punishments were—penal servitude, 10; discharged with disgrace, 85; flogged, 752; imprisoned, 1,825; confined in cells, 2,100; and so on, the minor punishments being, 99,980. In three years, 1862, 1863, 1864, 2,341 men were flogged with 79,815 lashes. There were also great diversities in punishment. In the Channel Squadron, in 1863, the punishment for insubordination varied in the different ships from 10 to 25 per cent; drunkenness, 13 to 45 per cent; leave breaking, 126 to 207 per cent; minor offences, 58 to 259 per cent. Again, on the Australian station, the punishment in the different ships varied, for insubordination, from 13 to 40 per cent; drunkenness, 11 to 40 per cent; minor offences, 56 to 325 per cent. Many ships

were honourably distinguished by having had no flogging on board during the year, while on one ship 20 per cent of the whole crew were flogged in one year. We take the most elaborate pains to get trustworthy health Returns from the Navy, and it surely is a most essential part of those Returns that we should get also a Report of the state of crime and punishment. Where there is least crime and punishment, there we shall also find the least sickness; or, in the rough words of the sailors themselves—"A big black list makes a big sick list." I cannot tell what reason the right hon. Gentleman will give if he still refuses these Returns. I can only judge by the arguments used out-of-doors and in the Press. An argument appears in an evening supporter of the Government which has all the appearance of being a semi-official account, for it first misstates the question at issue, and then proposes an utterly ineffective remedy. *The Globe* states—

"That the number of punishments on board a ship should be the sole guide in deciding its position amongst others in respect to good order and discipline, was manifestly unjust. One ship employed on a station where labour is scarce and wages high, such as the Australian or Pacific, is likely enough to have far more cases of desertion and the grave offences against discipline, committed with the object of obtaining dismissal from the service, than half-a-dozen vessels stationed where no inducement for leaving the Navy is offered, and where the attractions of the shore do not induce leave-breaking, such as the African coasts. Then, again, in the Channel, where men are granted leave at the home ports, and fall in with old associates, there is always a large amount of leave-breaking."

Precisely. But the excellence of the Return consisted in that it did not compare ships on the different stations, but ships on the same station, where exactly the same external conditions prevailed. The writer goes on—

"If it can be shown that these statistical Reports were of any actual value, as a whole, we would suggest that the personal element should be eliminated, and that the stations should be dealt with rather than individual ships."

If this were done it would be manifestly impossible for the House to judge which commanders dealt best with their seamen. The writer goes on—

"For one captain to be periodically stigmatized owing to the misconduct of his crew, to check which he has used his utmost endeavours," as if this misconduct did not result mainly from his own mismanagement,



"while another possibly in command of a ship not so well disciplined, but whose views is not subject to the same temptation, gains undeserved praise, is obviously unjust. Indeed, it is a positive invitation to commanding officers to allow minor offences to pass unheeded, rather than record them in the punishment returns of their ship."

This last sentence appeared to me to contain a charge so serious against officers of the Navy, that I made special application to a man who knows as much of the Navy as any man in the country, whose name would make his opinion well worth having, were not his reasons sufficient proof of what he says—

"To this I would reply that a graver slander could not be uttered against the officers of the Navy. I am confident that they are incapable of any such contemptible trickery. But if amongst this honourable body of men there should be any mean enough to resort to this low expedient to ingratiate themselves with the Admiralty, would it avail them anything? Certainly not. Each ship is minutely inspected twice a year by the Admiralty, and she is constantly or repeatedly under his personal notice. If her commander tampered with crime she—the ship—would necessarily be in bad discipline, and the Report to that effect from the Admiral would be more damaging to the commander in a service point of view, than an inordinate list of crimes and punishments."

Now, Sir, I have said that this is no Party question. I will venture to make an appeal to Government in this sense. As a Radical, I regarded their accession to office without any dissatisfaction. I thought we were as likely to get good measures from them as from their opponents, while I was certain opposition would be good for our own Leaders. But if we are not to have measures of organic reform upon questions of the greatest social interest, and if we are to have retrograde legislation, if we are to have new flogging Bills for civilians, and these essential Returns refused that Liberals never denied, then I shall begin to wish to see a Liberal Government on those benches. I do not wish to say a word of antagonism to any portion of the Navy. There is a general feeling among us, whatever our politics of traditional respect and liking for our great naval establishment. I am no friend to extravagance or to standing armies; but I have always said I would have our Navy not only powerful, but predominantly powerful. But we do require, when we spend the money of the taxpayers, to know that it is well disposed of, that the men are in effective condi-

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tion, and that the men are well treated and contented, which the list of desertions seems to show is not the case. I will venture, in conclusion, to adopt the words used by the Lord Chancellor of England, in 1661—

"Here I am, by the King's special command, to commend the poor Seamen to you. . . . They are a people very worthy of your particular care and cherishing; upon whose courage and fidelity very much of the happiness and honour and security of the nation depends"—[*Parl. History*, vol. iv. 183.]

The hon. Gentleman concluded by moving his Resolution.

MR. MONK seconded the Motion.

Motion made, and Question proposed.

"That, in the opinion of this House, it is desirable that Returns of Crime and Punishment in the Navy should be annually presented to Parliament."—(*Mr. P. A. Taylor*.)

MR. HUNT said, he could not recommend the House to accede to that Motion. It was in 1866 that the Returns were ordered to be discontinued; and the Naval officers of the Board of Admiralty of that day were unanimously of opinion that their production had been unfavourable to the discipline of the Navy. They could not be valuable unless they showed what were the qualities of the officers in command, as well as the amount of crime and of punishment, and that was not the case. On certain stations the temptations to desertion were very great, and therefore it must be expected that the statistics of crime and punishment on such stations would be considerably higher than on those where the same temptations to desertion or smaller offences did not exist. Again, when those Returns were presented to the House, after the careful analysis that was made of all the different punishments inflicted, and of the number which each ship had to show, it was found that the officers in command were in the habit of studying the Returns, and that great pressure was put upon them to keep the figures as low as possible in their ships. The consequence was, that they were much tempted not to inflict punishments when they were fairly due, for fear their ship should exhibit a larger average than some others with which they might be compared. In fact, in some ships the officers were so coerced, if he might so say, by the statistics as they were produced that

orders were given that the punishments should be only so many in a week. The hon. Member, while admitting that certain stations were likely to produce more crime than other stations, said there could not be any such difference between ships of the same squadron on the same station. But, surely, it might happen from the accident of two or three bad characters being on board a particular ship that the punishments for minor offences would amount to a very large number in comparison with those on the other vessels in the same squadron; and a false impression would perhaps be produced with regard, it might be, to the conduct of a most humane and discreet commanding officer if that comparison was carelessly made. He thought the predecessors of the present Board of Admiralty had acted wisely in determining not to produce those Returns.

MR. SHAW LEFEVRE said, the right hon. Gentleman who had just spoken had, on a previous occasion, given as a reason for not producing the Returns that they were too extensive, and not worth printing. It now appeared the reason was that the publication would be prejudicial to the discipline of the Service. If that was correct it would be a sufficient answer to the Motion; but he was not aware that the publication had been prejudicial during the three years the Returns had been issued, and if they were seen at the Admiralty, he did not think it would make much difference if they were seen by the public. At all events, they might, without harm, be published, showing the facts squadron by squadron, if not ship by ship, and he believed they would prove to the country that even within the last 10 or 12 years there had been a great improvement in the condition of our seamen.

MR. A. EGERTON said, he was surprised that the hon. Gentleman who had just spoken should be in favour of publishing these Returns, seeing that when he was at the Admiralty they were never given.

MR. SHAW LEFEVRE: The question was never raised in my time either in the House or at the Admiralty.

MR. A. EGERTON: But if the question were so important it could have been raised by the Admiralty. He thought the hon. Member had failed to see that there was a very great distinction between publishing the Returns and

merely sending them to the Admiralty. The objection to publication was that false impressions might be produced on the mind of the public with regard to the conduct of officers, for the public could not have the information which the Admiralty possessed as to the circumstances of the different ships, the character of the officers, and the peculiarities of the different stations.

MR. FIELDEN said, he thought that this was a great constitutional question, and he could not understand why the Government should refuse the Returns. Unless they knew what were the punishments inflicted they could not form a correct opinion of the state of the Navy, and for this reason he should support the Motion.

COLONEL MURE said, that they had full Returns as to crime in the Army, and he could not see why there should not be similar Returns for the Navy. He believed that it would be for the good of the Navy that the Returns should be published.

Question put.

The House divided: — Ayes 63; Noes 101: Majority 38.

#### SOCIETY OF JESUS.

##### MOTION FOR A SELECT COMMITTEE.

MR. WHALLEY moved, that a Select Committee be appointed—

“To inquire and report to the House as to the residence in this country, in contravention of the Act of 10 Geo. 4, of any persons being members of the Order of Jesus, commonly called Jesuits, and as to the names, present residence, and ostensible occupation of such persons; also as to the amount and nature of any property vested in or at the disposal of such persons for the purpose of promoting the objects of such Society or Order; and, so far as may be practicable, to inquire and report as to the doctrine, discipline, canons, laws, or usages under which such Order is constituted, and by which it is directed and controlled.”

The course proposed by that Motion was, in his judgment, the only way in which the object he proposed could be attained; and he would only ask possible opponents whether any more fair tribunal could be nominated than that of a Select Committee of that House? Every country in Europe had found it necessary to expel the members of this Society, and there was a widespread feeling in this country upon the subject. On a recent occasion the Vote for the Royal Con-

stabulary in Ireland, amounting to £1,500,000 a-year, was suspended, and even yet we could not maintain the peace in Ireland. Notwithstanding that, the Prime Minister had had the effrontery to advise the German Ambassador to go to Ireland and see what a happy and contented people we were. He would appeal to the hon. Member for Wexford, the leader of the Jesuits in this country, to corroborate what he had now stated.

SIR GEORGE BOWYER: I beg to state that I do not represent the Jesuits in this country, directly or indirectly.

MR. WHALLEY: He hoped the hon. Member for North Warwickshire (Mr. Newdegate) would follow him. It was not many weeks since the hon. Member was understood to say in the columns of a public journal with which he was connected—*The St. James's Chronicle*—that his (Mr. Whalley's) Protestantism and his sincerity were seriously open to suspicion, in consequence of his intimacy and the intercourse that passed between the hon. Member for Wexford and himself. Another reason he had for bringing this question forward was his belief, founded upon knowledge which he was not at present in a position to lay before the House, that the Jesuits were mainly instrumental in promoting the disputes which the working classes had chosen to commence with their employers. The Press also had been dragged, step by step, into the Jesuit interest—whether for money or not he could not tell—and reliance could not be placed upon these ordinary channels for trustworthy information. What, he asked, was the state of Ireland now? It was this—that the large police force of the country not being able to keep the peace there, the Government were obliged to keep a large military force there, all owing to the intriguing policy of the Jesuits. He merely asked for a Committee of this House to inquire into the question, and if granted he would lay such a body of evidence from all parts of England and Wales before it—evidence of half a million of people—in reference to recent legal proceedings—to that great national scandal—a scandal in the eyes of all Europe—["Order, order!"]

MR. SPEAKER informed the hon. Gentleman that he was speaking upon a Question altogether irrelevant to his Motion which he had placed upon the Paper.

*Mr. Whalley*

MR. WHALLEY pleaded that the indulgence of the House had tempted him to digress. With regard to the Jesuits, he assured the House that he was not prejudging the case; and the question was whether they were to allow these "pirates," those "black pirates," to remain in this country.—["Order, order!"] Those Jesuits were coming by hundreds, nay, more, by thousands, into this country and making it a basis for their operations; and Germany, sensible of it, had given the warning; but if ever there was an occasion more than another for the extirpation of those nests of hornets—those Jesuits—it was the present ["Order!"] What had been the effect of the Catholic Emancipation Act? They were glad to see Roman Catholics amongst them; but those Jesuits were pursuing a course of proselytism; and in fact, it was as Cardinal Manning told them it would be. He was disappointed that the right hon. Member for Greenwich (Mr. Gladstone) was not present to support him. He did not expect that the inquiry could take place and be completed this Session; but if the Committee was appointed there would be ample opportunity next year for continuing it, and he therefore moved the Resolution which he had placed upon the Paper.

[The Amendment, not being seconded, could not be proposed.]

#### OPEN SPACES (METROPOLIS) (NO. 2) BILL.

On Motion of Mr. WHALLEY, Bill for affording facilities to vest in Metropolitan Board of Works Open Spaces, for exercise and recreation, ordered to be brought in by Mr. WHALLEY and Sir GEORGE BOWYER.

House adjourned at half after Twelve o'clock.

### HOUSE OF COMMONS.

Wednesday, 14th July, 1875.

MINUTES.] — SELECT COMMITTEE — *Second Report*—Public Accounts [No. 326].  
PUBLIC BILLS—*Resolution in Committee*—ordered—*First Reading*—Publicans Certificates (Scotland) \* [255].  
*First Reading*—Clerk of the Peace (County Fife) (No. 2) \* [257].  
*First Reading*—Open Spaces (Metropolis) (No. 2) \* [255]; Ecclesiastical Fees Reduction \* [258].



*Second Reading*—Municipal Elections (Cumulative Vote [37], *put off*; Allotments Extension [57], *put off*; Waste Lands (Ireland) [141], *debate adjourned*.

*Committee—Report*—Drainage and Improvement of Lands (Ireland) Provisional Order \* [231]; Local Government Board (Ireland) Provisional Order Confirmation (No. 2) \* [232]; Gas and Water Orders Confirmation (*re-comm.*) \* [228].

*Withdrawn*—Church Rates Abolition (Scotland) \* [26]; Public Worship Facilities (*re-comm.*) \* [22].

# MUNICIPAL ELECTIONS (CUMULATIVE VOTE) BILL.—[BILL 37.]

(*Mr. Heygate, Mr. Faircett, Mr. Morley, Mr. Wheelhouse.*)

## SECOND READING.

Order for Second Reading read.

MR. HEYGATE, in rising to move that the Bill be now read a second time, said, that this Bill, the principle of which he would endeavour to explain, and which he should ask the House to read a second time, was the same as that which he introduced last year, but for the consideration of which he was unable afterwards to obtain a day. It was also founded upon the Resolution and Bill which were discussed in the last two Sessions of the last Parliament, but with respect to which Bill no decision was arrived at, partly owing to the limited time that remained on the Wednesday on the last occasion of its discussion. This was not a Party question, because the principle was supported as well as opposed by hon. Members sitting on both sides of the House. It dealt with a subject of a somewhat dry and technical character, and was perhaps uninteresting to others than those who took an interest in the working of municipal institutions, but at the same time it dealt with an abuse that required a remedy, and a grievance that existed to a considerable extent in many parts of the country, and whatever might be its fate that day it was a question that sooner or later would compel legislation, with a view to a remedy of the grievance complained of with regard to past legislation on the subject. The Reform Act of 1832 and the Municipal Corporations Act of 1835 were no doubt beneficial in their general character by destroying the close, and in some cases corrupt, corporations, and substituting for them an open system of municipal government; and in that respect they were, no doubt, good and useful Acts,

but they signally failed in one respect. The boroughs were divided into wards for the purpose of obtaining a fair representation of the feelings of the different sections in each borough. The wards were represented in the council by councilmen freely chosen by the burgesses; but there was not that equal and fair representation in the election of aldermen, and, unlike the election of aldermen for the City of London by the burgesses, it was given to all the councillors themselves to elect the aldermen by a vote of the majority, and it was invariably the case that when party spirit ran high the elections of aldermen were conducted on political principles more than for the sake of obtaining good municipal government. When men were elected, not for any special fitness for dealing with local and municipal affairs or business capacity and experience, but simply as a reward for their adhesion to the principles of a particular political Party, they failed to be a reflex of the public feeling, and of those best qualified to discharge local duties for the benefit of the ratepayers. Moreover, by the present mode of election the aldermen were not only not a fair reflex of the public feeling, but, as it sometimes happened, they were opposed to the feelings of the majority, because, inasmuch as only a portion of the aldermen went out of office each year, those remaining were able to vote for the vacant seats on the aldermanic bench, and the consequence was that the councillors were often outvoted and the aldermen represented themselves. This occurred a short time ago at Leeds, when all the aldermen not retiring by rotation voted for the election of their successors with the minority in the council, and thus turned the minority into a majority. It was sometimes the case in boroughs that very important questions were decided by the votes of the aldermen overruling the votes of the councillors. The working of the system was also illustrated by what had occurred at Leicester. The council met last year to consider whether they should petition in favour or against this Bill. A majority of the councillors approved of the Bill, and were in favour of affixing the corporate seal to the Petition, but the aldermanic vote came down and converted the majority which represented the ratepayers into a minority. The same with regard to Winchester. There the inhabitants were opposed to

the establishment of a school board, and the councillors voted 8 for it and 9 against it; but the aldermanic vote, numbering 6, was given in favour of the establishment of a school board, and the majority was converted into a minority, so that if the noble Lord the Vice President of the Council had not hesitated to comply with the Petition the City of Winchester would have been unnecessarily taxed for a number of years by those who in no sense directly represented the ratepayers. He was willing to concede that this system of political exclusion was not general in all the boroughs in England, but it was unfortunately an increasing evil. In the north and midland districts these elections were nearly all political contests, and in some they appear to have lost sight of the real nature of municipal institutions. During the last Recess he took the trouble to gather reliable statistics upon the point from 30 boroughs in the north and midland districts, and he had to thank hon. Members on both sides of the House for the assistance they rendered him in the matter. In answer to the question—"Are the municipal elections in your borough fought out on political principles?"—he received an answer from one-third of the number—"Yes, plainly," and from five-sixths of the remainder the reply was more or less in the affirmative. One replied—"Yes, increasingly so." Another—"Nothing else is ever thought of." One—"Not until lately." One—"I believe you, my boy." One or two said—"Generally so;" and only one—the borough of Doncaster—and for the honour and glory of that distinguished borough let it be known—said these contests were not political, but that the best men of both parties were selected irrespective of their political opinions. Out of 30 large boroughs only one answered in the negative to his question, and he assured the House that answers came from friends on both sides of the House. The second question he asked was, to what extent the exclusion of the opposite claimant was carried out in the election of aldermen, and whether those elections gave a fair share of the honours to the opposite side? and the answers were generally that they did not give a fair share to the opposite side. Twenty-six out of the 30 stated their policy was, as a rule, to exclude the opposite element from municipal towns

for political purposes, and in three places only, in addition to the happy borough of Doncaster, did they appear to give any sensible representation of the minority amongst the aldermen. He was informed, also, that a general desire existed amongst most of the respectable inhabitants of these boroughs for a change. Not only was there a complaint that the best men were excluded by the existing system, but there was a special grievance that the wards represented by the minority in the council had aldermen assigned to them who were entirely out of sympathy with them. He did not wish to be understood as making a sweeping charge against all the municipal corporations in England, because he was willing to allow that, in many cases, proper men still took part in municipal matters under the present system; but he was bound to express his belief that the best men were very often excluded, and many retired in disgust. In answer to the question whether the best men were excluded, the reply was, in almost every instance, that it was the case, and in one borough the office had fallen so low in public estimation that the "town councillor" went by the sobriquet of "town scoundrel." In 1835, Lord Melbourne made this system of political exclusion one of the chief reasons why there should be a change. After citing from the Report of the Corporation Commissioners, he said—

"Now, let us look at the corporation of— From the mayor to the humblest servant of the corporation every office has been filled by persons of the corporation or so-called Tory party, to the total exclusion of all who entertained different opinions, however wealthy, however intelligent, however respectable. Now, let me ask your Lordships, what do you think of the working of such a system as this?"

If a reform was necessary then, in consequence of this political exclusion, surely it was no less necessary now. The aldermen did not fairly represent the opinions of those who were elected by the ratepayers. He might be told that the minority should be bound by the majority, though it were only a majority of one, and that this was the very essence of representative institutions. He was quite willing to admit that; but his Bill would not force a minority into a majority, as was sometimes the case under the present law, nor would it enable the majority, as he had shown was now the case, to artificially increase its own relative strength. He could not give a

*Mr. Heygate*

better illustration of the injustice that existed than by asking the House to suppose that they had to elect Peers to the House of Lords, and by a bare majority electing 200 Members to come and sit with them, and form one Assembly—the 200 being selected from one political Party. Who could defend such a system as just?—yet it was an exact illustration of what occurred in municipal boroughs. There were three modes by which the evil might be dealt with—first, the election of the aldermen by the burgesses of each ward, as in London—but not for life—where he believed it would work beneficially. He had heard no complaint of the way in which aldermen were elected in London, and the present Bill would not interfere with the working of the system there. Another was to give the councillors of the ward the power of electing the aldermen for the ward; but there was this objection to it, that, in some cases, the wards were so small, and the number of representatives so limited, that it would be impossible to secure an adequate representation by asking three men to retire into a room and elect one; and therefore he was driven to that which was adopted in this Bill—to leave the election in the hands of the councillors, but to apply the Cumulative Vote—each Councillor to have as many votes as there were aldermen to be elected, which they might distribute as they thought fit. By that means a fair representation would be given to the minority. He knew that the word “cumulative” excited horror in the minds of some, and that many decidedly objected to it. He was not specially wedded to the word, and he had no wish to see the principle carried out generally; but he thought it was unobjectionable in the limited manner now proposed. It would often be a very valuable means of giving to the minority fair representation, and of securing to all sections of the community their share in the election of representatives in the municipal councils. The Cumulative Vote had been objected to on the ground that it was a difficult and complicated system to manage. The hon. Member (Mr. Dixon) brought in a Bill to abolish the Cumulative Vote in the case of school board elections, because of his experience of what had taken place at Birmingham at the first school board election there, when the parties in the minority obtained a majority of repre-

sentatives. But the reason of that coincidence was well understood, and the objection had been entirely obviated by the last election, which showed how soon a large and intelligent constituency could be taught the right use of the voting power, because the voters on that occasion went in for what they could get. The result showed that, even on a large scale, the cumulative system brought about a fair representation. The object of the Bill was that the opinion of the burgesses, as expressed through the councillors, should find a fair reflex in the election of aldermen. By the means proposed in the Bill a fair representation, and no more than a fair representation, would be obtained of the different sections and classes of the community. In conclusion, he wished to say that he had no personal object or motive in bringing this matter before the House. He did not represent a borough, nor did he live sufficiently near one to be able to take part in municipal affairs. He had, however, seen the evil working of the present system, in so far as it often deterred the best and most qualified men in large towns from taking any part in municipal affairs. Therefore, he thought that nothing would do more to restore a healthy tone to municipal bodies, and to oust politics, so far as they could be ousted, from municipal affairs, than a measure securing a fair representation of all parties. He knew this Bill did not please those violent political partizans, who could not rise superior to party considerations; but when he remembered that when this subject was before the House, in the last Session of the late Parliament, three hon. Members for Leeds, each speaking from a somewhat different political standpoint, rose to support a Bill almost identical to this one, he could not but hope that the Bill now before the House might meet with the support of the thoughtful men of all parties. It was not a great measure he would allow; but it dealt with a subject in which an increasing interest was felt, and believing it was a just, righteous, and fair measure, he commended it to the impartial judgment of the House.

Motion made, and Question proposed, “That the Bill be now read a second time.”—(*Mr. Heygate.*)

Mr. DODDS, in moving that the Bill be read a second time that day three



months, owned that the hon. Member had introduced the question with much moderation and ability; but, at the same time it seemed extraordinary that a measure relating, as this one did, solely to municipal corporations, should have been brought forward by a county Member, and not by an hon. Gentleman representing a borough, and having personal experience of the practical working of the present law. The observations which had fallen from the hon. Member all failed to convince him that the Bill ought to be passed. His own experience differed from that of the hon. Gentleman in regard to the prevalence of political feeling at municipal contests in the North and East of England, and the hon. Gentleman had not given the names of the boroughs to which the statistics he had given applied. In the borough of Stockton, which he (Mr. Dodds) represented, he admitted that political feeling had to some extent crept into municipal elections; but both parties were fairly represented, and even in that Liberal borough no fewer than five out of the eight aldermen were Conservatives. In Darlington and Middlesborough, political feeling did not enter into the municipal elections. In these three leading boroughs in the North of England, Stockton, Darlington and Middlesborough, political feeling was scarcely recognized in political contests, and town councillors were selected from Liberals and Conservatives indiscriminately. The hon. Member said a small portion of the aldermen went out of office every year. That was an error, because the aldermen retired triennially, one-half going out at the end of one period of three years, and the other half at the end of the second. The deduction he gathered from the argument that in Leeds, Leicester, Winchester, and other places, the voice of the people, as represented by the councillors, was overruled by the voice of the aldermen, was that the office of alderman ought to be abolished altogether. At any rate, the argument of the hon. Gentleman pointed in that direction. This, however, was not the object of the Bill. The hon. Gentleman also stated that aldermen were appointed to wards where they were not in sympathy with the people. His own experience was diametrically the opposite of that of the hon. Member. In Stockton

they had eight aldermen for four wards—two for each—and one year alderman A was assigned to the north west ward, and in the following year alderman B, and so in regular rotation in each of the wards. Nor had it been shown that the Bill was desired by municipal corporations, or by the people. Not a single Petition had been presented in its favour; the only Petition that had been presented on the subject being against the Bill. It was a Bill which sought to introduce a very novel, unusual, and at the same time mischievous principle. The Bill consisted of two parts. First it provided that each person should be entitled to a number of votes equal to the number of aldermen to be elected. That, he ventured to say, was unnecessary. Then, the Bill went on to provide—and this was the objectionable part of it—that every voter might give all such votes to one person, or distribute them, as he thought fit. Now, the Aldermen were elected by the continuing members of the council. In Stockton, there 24 councillors and eight aldermen, four of the latter going out triennially, whilst the remaining four aldermen, with the 24 councillors, elected the four new aldermen, who in nine cases out of ten were re-elected; but the great objection to the Bill was that the persons elected aldermen might be selected, not from the councillors who had been elected by the burgesses, but from councillors, or from persons qualified to be councillors. So that if the Bill became law, a small section of the council, by combining together, would be able to bring in persons outside the council, and who had never been before the burgesses at all. The existing law, which had been in operation since 1835, had worked well, and it ought not to be disturbed by the introduction of a fancy franchise of this kind unless more substantial reasons for it were given than they had heard that day. It might happen that a candidate who had offered himself to the burgesses for the office of town councillor, and who had been unsuccessful over and over again, might by the action of a section of the town council be brought over their heads and placed upon the Aldermanic Bench. The power to be given to a small section of the town council was a point which ought to be taken into careful consideration, for under it six out of 32 persons in the town council of Stockton would be able to

pitchfork an alderman into the council over the head of a man elected by the burgesses and properly representing them. The difficulty of getting good men to serve as town councillors was now very great, but the machinery of the Bill would not meet this in any way; indeed, the Bill would be an utter failure in that respect. There had been as yet no experience of the working of the Cumulative Vote, except in school board elections, which was not sufficiently satisfactory to induce him to support this Bill; but even supposing it had been a success it would not have afforded any precedent for a measure of this kind, because the principle of this Bill was merely to give the town councillors and the continuing aldermen power to adopt the cumulative vote. The Bill went either too far, or not far enough. It should have begun by giving the burgesses the Cumulative Vote, and then the other part of the measure would, perhaps, have been less objectionable. As it was, the Bill was most objectionable, and that was the feeling of those whom he had the honour to represent. With regard to the election of Members of Parliament, the right hon. Gentleman (Mr. Lowe) brought forward a Motion in 1867 which was similar—almost identical, in fact—to the terms of this Bill, relating to municipal elections. The clause then proposed was as follows:—

"At any contested election for a county or borough represented by more than two Members, and having more than one seat vacant, every votes shall be entitled to a number of votes, equal to the number of vacant seats, and may give all such votes to one candidate, or may distribute them among the candidates as he may think fit."

There was a long debate on the Motion, and, after two nights being spent therein, it was rejected by a large majority. The present Prime Minister, who was Chancellor of the Exchequer at that time, said, in the course of the debate—

"Now, I am not prepared on the 5th of July to ask the House of Commons to enter upon a campaign to carry out a system which is, as far I understand it, alien to the customs, manners, and traditions of the people of this country. The proposal is opposed to every sound principle, and its direct effect would be, I believe, to create a stagnant representation, and a stagnant representation would bring about a feeble Executive." The right hon. Gentleman added—

"I have always been of opinion with respect to this cumulative voting and other schemes

having for their object to represent minorities, that they are admirable schemes for bringing crotchety men into this House—an inconvenience we have hitherto avoided, although it appears we have now some exceptions to the general state of things, and I do not think we ought to legislate to increase the number of specimens."—[3 *Hansard*, clxxxviii. 1111-12.]

He observed from the Notice Paper that the Home Secretary intended to move the Previous Question, and he was glad to infer from this indication of opinion that the Bill was not likely to receive the support of the Government, because he quite agreed with the right hon. Gentleman at the head of the Government that the system it proposed was alien to the manners and traditions of the people; that it was opposed to every sound principle, and it would have a tendency in municipal corporations, as in that House, to create a stagnant representation, which would bring about a feeble executive. He had heard no sufficient reasons given why the established principle of Government by majorities on which the country had acted in its municipal matters for so long should not be continued, and as he regarded the proposal as one of the crotchets referred to by the right hon. Gentleman from whom he had just quoted, he trusted the House would refuse to give the Bill a second reading.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Dodds*.)

MR. T. ROWLEY HILL, in seconding the Amendment of the hon. Member for Stockton, said, that while admitting that the hon. Member for Leicestershire had shown that the present mode of electing aldermen was not satisfactory, he could not support the measure. In his opinion the proper course would be to abolish the office of alderman and increase the number of town councillors. He did not approve the Cumulative Vote. He might mention as an illustration of the working of the Cumulative Vote, in the school board elections, a case which occurred about two years ago. A school board of seven members had to be elected, and in the town where that took place there was a person who had signalized himself by having been before a magistrate and sent to prison for six months for an assault; and that person, before he had been



many weeks out of prison, was returned at the head of the poll as a member of the school board, where he so conducted himself that every other member was compelled to resign.

Mr. ASSHETON said, he represented a borough (Clitheroe) in which the Bill of the hon. Gentleman was very much required, for one Party monopolized the municipal honours altogether. He was glad to hear that there were a few boroughs into which in municipal elections political feeling did not enter. But if any hon. Member would take up a newspaper on the 2nd of November he would see a long list of candidates ticketed-off with the magic letters L.C. For his own part he would be glad to see letters which were favourites in the Emerald Isle—he meant H.R.—attached to the names of candidates, provided they were intended to indicate a close attention to the local affairs of the municipality. At present the highest municipal honours were confined to the representatives of the dominant Party. In Clitheroe no one had a chance of becoming an alderman who represented the political Party to which he (Mr. Assheton) belonged. In Blackburn political feeling was so nearly balanced that at the last election the senior member was a Conservative and the junior a Liberal. The junior ran the senior member very hard, but there were rather more Conservatives than Liberals in the town. There were 12 aldermen who were all Conservatives. The third borough to which he referred was Burnley, which was precisely the counterpart of Blackburn. Burnley returned only one Member, and he was a Liberal; there were eight aldermen, and they were all Liberals. Why should not something be done which would render it possible to have a Conservative alderman for Clitheroe and Burnley, and a Liberal alderman for Blackburn? He was not so sanguine as to suppose that a Bill brought in by a private Member and only read a second time on the 14th of July could pass during the present Session; but he hoped to hear some declaration from the Government before the debate closed to the effect that their best attention would be given to this matter during the Recess, with the view of remedying an evil which no one could venture to deny. He should give his best support to the Bill.

*Mr. T. Rowley Hill*

Mr. RATHBONE said, he thought it very natural that the Bill should come from the other side of the House, as it was essentially a Conservative measure, inasmuch as it was directed against the violent fluctuations in the constitution of the municipal bodies which were of constant occurrence; while it appeared also to be a Liberal measure, because it provided that every section of the community should have its fair share in the representation of the local governing bodies. The hon. Member for Stockton (Mr. Dodds) had protested against the arguments of the hon. Member who had brought in the Bill, on the ground that the hon. Member for Leicestershire had had no experience of the facts with which he was dealing; but he (Mr. Rathbone) ventured to think that the hon. Member for Stockton had shown that it was possible to have a microscopic knowledge of facts that was in fact misleading. The hon. Member for Stockton had assumed two points on which he (Mr. Rathbone) thought he was mistaken—first, that politics were not the guiding principle of municipal elections; and, secondly, that men did not constantly obtain aldermanic honours who had been rejected by popular constituencies. In almost all the boroughs he knew in the North of England—and he was glad to hear there were some in the state of innocence described by the hon. Member for Stockton—the rule was that politics entered into the municipal elections. The history of the municipal body of Liverpool was very much to the point, and he believed it was parallel to the history of almost all the large boroughs. Under the old Corporation Act prior to the Municipal Reform Bill, the Tory Party held undisputed sway, the only two persons in the Council of those days who were not Tories being two who had slipped in unawares—men belonging to the oldest families in the borough, and whose politics had not been considered. There were few of the old corporations that had done so much work as had the members of that corporation. They had maintained the docks as a public trust, and had done many other useful things; but with all their merits they were subject to the demoralizing effects of being possessed of too much power, which they exercised in some instances with too despotic a sway, jobbing considerably in favour of



the Church of England. The result was they offended the feeling of the rate-payers, and when the Municipal Reform Bill was passed the Conservative Party were swept away, only eight or ten out of the members then elected belonging to that political Party. But the Liberals showed themselves no wiser or stronger in resisting the temptations of power than the Conservatives, and they elected every alderman from their own Party. In their turn they were swept away, and the municipal power passed into the hands of the Conservatives who used it as the Liberals had done, in appointing Tory aldermen. The consequence was that the council had not always elected men from their own body, but had sometimes chosen a man because he had stood a certain number of contests, and not always because he had stood them on the purest principles; while the aldermen were not of the average standing and fitness of the rest of the town council. This certainly was not what was intended when the aldermen were elected for a longer period than the town councillors, and it could not happen under the Cumulative Vote proposed by this Bill. He held that if both Parties were certain of selecting a particular number of men, and neither could select an overwhelming number, the tendency would be to secure the best possible men. He was not afraid of democracy, if they could only ensure that the democracy had the opportunity, in times of political excitement and disturbance, of hearing truth and justice stated. There had been occasions on which the services of able and public-spirited men, in Liverpool, had been lost through the tide of popular opinion having set against the men who had endeavoured to carry most valuable measures, but which were not understood by the public; and experience had shown that it would have been a wise thing to have retained them in the town council as aldermen if they could have been elected on the principle advanced by this Bill. He thought it would be a most valuable principle, and he should be glad to see it carried further. He should also be very glad to see any extension of the principle of the representation of minorities by Cumulative Vote, or in any other way. But the application of the principle was most easily worked when applied to secondary instead of primary elections.

MR. NEWDEGATE said, that when the Birmingham Corporation Act was passed, he was anxious to secure that the position of the alderman should be rendered analogous to that of alderman in the City of London. On that occasion he failed—he was, for the time, submerged by a democratic wave—but he never abandoned the object. It always appeared to him, that those who entertained ultra-Liberal opinions were apt to undervalue the ancient institutions of this country, as though they were not scientifically framed, forgetting that true science was always consistent with common sense, and that what had long been tested by experience, and had borne the test, was always in itself consistent with common sense. When the Reform Bill was passing through this House, he laboured to support the principles of representation of minorities; but he thought that the Cumulative Vote, as illustrated in the election of school-boards, ran to excess. It was desirable that considerable minorities should be represented; it was not desirable that too small minorities should be represented. It was possible that a small minority might introduce a mere obstructive, or a man of extreme views, who did not fairly represent public opinion. By public opinion, he did not mean the temporary phase of passion or feeling, but that deeper current which was, after all, the great source of progress and stability. He was glad that the Home Secretary intended to deal considerably with this Bill, and he hoped that some such remedy would be provided for the evils which it attempted to meet.

MR. MORLEY thought it a source of great satisfaction that the question before the House could not be distorted into a Party question, as evidence had been given in the course of the debate to show that all parties were interested in a right settlement of it. The reason why he had willingly allowed his name to be placed on the back of the Bill brought in by the hon. Member for Leicestershire was that he desired to interpose every difficulty in the way of obtruding Party politics into their municipal institutions. Nobody who had any experience of the large municipal boroughs of this country could be ignorant of the fact that politics were now obtruded, and that they frequently took the place of that calm and

fair deliberation which men absolutely uncommitted politically would be likely to bestow upon questions of large local interest. They had in Bristol a case in point. He had not a word to say in depreciation of the gentlemen who filled the office of aldermen in that city; but it so happened that at the time of the passing of the Municipal Reform Bill, it was found that there was a majority of 1 on the Conservative side, and immediately 16 aldermen of Conservative opinions were appointed from outside, and, with one exception, that had been the character of the aldermen of the city of Bristol ever since. Precisely the same thing would have happened had the Liberals been in a similar majority, and, therefore, he must not be understood as condemning the action either of one side or the other; but what he desired was to interpose some obstacle to that interference with what he regarded as the fair and honest representation of the people of the borough. The question really deserved the consideration of the Government. There seemed to be an universal impression that something ought to be done. He believed the system adopted in the City of London was a sound one, where the aldermen were elected by the wards. He confessed that of the various methods that had been suggested for dealing with this subject, that proposed by the hon. Member for Stockton appeared to him to be, perhaps, most worthy of attention—namely, the extinction of the office of alderman, the usefulness of which he could never see.

Mr. TENNANT mentioned the case of Leeds, with a population of 300,000, with 50,000 registered electors; a town council of 48 members and 16 aldermen, of whom only one was a Conservative, elected in 1836, and where there never had been a Conservative mayor. Questions of local administration ought not to be decided on political or Party grounds. Neither the wisdom nor the folly of municipal councils belonged altogether to one Party. The arguments adduced in favour of the measure by the hon. Member for Leicestershire were, to his mind, conclusive. He was not prepared to deny that the Municipal Act had worked well; but that was not the question they had to consider; and even if it were, he supposed it would not be contended that the Municipal Act would

work less well, if those who held the highest offices in corporations were selected from a larger area. It had been objected to the Bill that outsiders would be admitted to municipal honours under it. That was quite true; but, as the law now stood, aldermen could be elected from those who were not in the corporation. It was further urged that the measure did not go far enough, but that was no reason why it should be rejected. On the ground that the Bill would remove many inequalities and anomalies which now existed in our municipal representation, and would give a fair representation of all classes of the community, and thus tend to a better representation of local affairs, he should certainly support it; and therefore trusted the House would reject the Motion of his hon. Friend the Member for Stockton.

Mr. EARP would support the Bill, which he thought would operate beneficially. He hoped this discussion would impress on the Government the necessity of either abolishing aldermen altogether, or providing that the candidates who had the largest number of votes should be aldermen. That suggestion, if carried out, would be attended, he believed, with manifest advantage.

Mr. WHEELHOUSE said, that like his hon. Colleague, he should not have thought it necessary, perhaps, notwithstanding the great interest he took in this subject, to address the House at all in the present debate, had it not been that more than one speaker had somewhat pointedly referred to the borough which he represented. Notwithstanding this, he was anxious, at the outset, to place the matter, if possible, upon a broader basis than that of mere localisms or Party considerations. Indeed, by no possibility could this subject, if reasonably treated, be brought within the realm of Party politics, and, certainly, it ought not to be dealt with as a Party question within the walls of that House. Undoubtedly, whatever might be the views, or even the experiences of the hon. Member for Stockton, he apprehended that nearly throughout the whole North of England, the municipal elections of the 1st of November had been for some time almost invariably and exclusively political elections, and were, he was sorry to say, year by year, becoming more and more so in their character.

Whenever the triennial period arrived for the election or re-election of aldermen it was the self-evident result of such a state of things that these elections also partook more or less of a political view in all those boroughs, and in certain of them they became too exclusively so. It might be, no doubt, from the constitution of his (Mr. Wheelhouse's) own mind; but he must confess that he had never yet been able to discover why it was considered necessary that a man should be a Whig or a Tory, a so-called Conservative, or a Radical, in order to judge of his capacity for determining how many rounds there should be in a lamplighter's ladder, upon what plan a street would be most efficiently paved and drained, or whether it was desirable to apply to Parliament for a new Local Improvement Act. These were the purposes for the due fulfilment of which it was supposed the governing body of a local municipality was called into existence, and such were the questions to which it might very well confine its scope of duty. But, instead of this, the elections in the district of which he spoke had, for years—indeed, ever since the passing of the Municipal Corporations Reform Act—been solely political or quasi-political. It must be manifest that such a course of operations would produce, as it unquestionably had produced, the great disadvantage of placing the members of a certain political Party in the borough, not indeed as a Party, but as residents of the borough, altogether beyond the pale or chance of having or taking any part in the municipal representation. They had been told often enough, both in that House and elsewhere, that taxation and representation ought to go together. He was the last man in the world to differ with that principle, and when, therefore, he saw that not only did the present system of electing aldermen cut at the very root of that principle, but that it excluded those who might be, and indeed were, often, the largest ratepayers in the borough, he was satisfied—and he thought it must be abundantly clear to everyone who would confess it—that a remedy was immediately and urgently required. He was as anxious as anyone could be, that this question should not be approached from a Party or political point of view, neither was he especially desirous of looking at it merely through the light thrown upon

it either by the large borough he represented nor by any of the smaller boroughs in the North of England. His sole and earnest wish was to see the question considered from that aspect which might best ensure the full development of the old principle of "the greatest good of the greatest number, consistently with fairness to all." It was idle—if he might venture to say so—with all the abundant evidence to the contrary before us, to endeavour to impress upon the House that the elections for town councils, town councillors, and aldermen had not, he would say degenerated, into mere political questions; that they were so, was, he thought, a matter as undeniable as it was possible for anything to be. The hon. Member for Stockton ought to have entered a little more fully into the present bearing of municipal matters in that borough. Why did he not tell the House, when he said that politics were creeping into the municipal representation of that borough, how the elections for the several wards of Stockton were at present conducted? Were they guided by political feeling or ruled by political principles? That was the proper test; and the true answer to that inquiry, could it be obtained, would speak far more effectively than whole volumes of theory. In saying this, it must be understood that he (Mr. Wheelhouse) did not care for the result; what he wanted to know were distinctly two matters—first, how were these elections at Stockton as well as elsewhere conducted; and, second, why was political feeling creeping into questions which ought to be confined to streets and sewers? But even the hon. Member for Stockton himself, when he declared that the importation of political feeling was not common into municipal elections, practically gave up the whole of his own case; since if a single instance only could be shown to exist, that instance would of itself prove the contention of the hon. Member for Leicestershire to be absolutely and entirely correct. From his (Mr. Wheelhouse's) standpoint he considered there ought to be no such thing as political feeling brought into municipal representation either at Stockton or indeed in any other borough in England. But even Stockton, where it was confessed that political feeling was only now creeping in, could not in any way be



taken as a fair type of the full force and intensity of the evil which was thus generated. Besides which, it must be remembered that however much the importance of that borough was increasing—and he, for one, as a resident of the North of England, and almost—if he might say so—a neighbour, most sincerely wished that its reign of prosperity might long continue to expand and increase—the size of its municipality scarcely entitled it to rank among the largest of our English boroughs. The evidence of hon. Gentlemen in that House representing such enormous constituencies as Bristol in the South-West, and Liverpool in the North, was conclusive on the point that there was an evil, and that immediate remedial agency was very desirable. It had been said, and said very truly, that the present system of electing aldermen had the effect of actually placing and continuing the minority of the representative element in the position of being in a majority of the town council, and thus occasionally over-riding its feelings and wishes. He said nothing of the town which he represented beyond this—and indeed they might take it that what had been mentioned by his hon. Colleague and which he himself could confirm was true—namely, that it was impossible, practically, in a council of 64 members, 16 of whom were not directly responsible to, or elected by, the burgesses, that its constitution could be so far altered during any triennial period as to afford room for that healthy change which was sometimes not only very desirable, but actually imperatively necessary. In such a borough the present system had the unquestionable effect of strangling the very intention of Lord Melbourne's Act, and repeating, in a far worse degree, all the evils and inequalities of which he then complained. Whatever might be the evils of the old courts of aldermen and assistants—or by whatever name the charter of incorporation might designate the municipality—that system did ensure a pretty sound reflex of the principle, so far as the franchise was then concerned, of something like equality in representation and taxation, whereas now the two were not only permanently divorced, but were often, not to say generally, placed in permanent antagonism to each other. That which had arisen in Leeds had also been mentioned as having come about

elsewhere, and there could be no doubt that while various changes had from time to time taken place with regard to the social and domestic requirements of the several populations, the political element which had been infused into municipal elections had caused the councils to become, as it were, permanently stereotyped with a characteristic which, if not noxious in itself, was utterly considered and exclusive. It had been said to-day that they ought to have gone very much further, and that they should have started with the abolition of provincial aldermen altogether. He for one wished, most sincerely, they had done so, and he thought that those who were the representatives of the town in its municipal and social affairs, ought to be entirely elected by the burgesses themselves; and, being so elected, then let the choice take place for the whole body according to the present method. But in the meantime, there was no reason why they should reject the Bill at present before them. It was manifestly and admittedly a step in the right direction, and the time was already arrived when they ought to consider this matter, which pressed most seriously even now upon the taxpayer. Corporations might possibly do their work reasonably well, but what he (Mr. Wheelhouse) wanted, was a wider area from which to choose both elements of the town council. He wished that area to be enlarged so that every man in these councils should be directly elected by the burgesses, and thus immediately responsible to them; but, so long as the present system existed, that state of things was utterly impossible. He wished, at the time when the Municipal Corporation Act was passed, the same principle which was now applicable to the City of London had been carried into our provincial municipalities, since, if the aldermen had been a permanent body, as they were in London, it was quite possible to suppose, judging from the example of the good old city, that much of the evil now felt would have been wholly obviated, or at least considerably diminished. In conclusion, he could only say that having experienced the working of the Municipal Corporations Reform Act for now more than 30 years directly in one of the largest boroughs of England, and indirectly having become acquainted with its operations in many others, both large

and small, he was satisfied that some remedy was urgently required; and for that reason he gave the Bill now before the House his most earnest, cordial, and emphatic support.

MR. SERJEANT SPINKS observed that the question under consideration was one of great social importance. There could be no doubt the system now pursued in cities and boroughs in the election of aldermen was very objectionable. He considered it most desirable that aldermen should be elected in that mode which would secure the services of the best men. The present system narrowed as much as possible the area of choice for aldermen. Looking at the position of Parties, how did the case really stand? Many persons were elected in a ward of which the dominant Party had the complete control, and this process was repeated over and over again until that ward furnished a large proportion of the aldermen. It had been said that there was a difficulty in obtaining good candidates; but that was hardly to be wondered at when, in most corporations, there was a dominant Party in full sway, and if a person was elected who was not connected with that dominant Party he could not expect properly to realize his position. He represented a borough the constituency of which numbered about 20,000, and it was a good many years since there had been such a thing as a Conservative alderman, and unless such a Bill as the one before the House passed there never would be one. Although he was ready to vote for the Bill he was not a strong advocate of the cumulative principle. Owing to the wonderful increase of the wealth and population in many of these towns this had become a matter of national importance, and therefore he trusted the Government would devise some means by which the people might have confidence that those who were elected to preside over their affairs would do the best they could for the benefit of the population whose interests were entrusted to their care and management.

MR. DIXON said, that if the House went to a division on the Bill, he should certainly support the Motion of his hon. Friend the Member for Stockton (Mr. Dodds). He hoped, however, that it would not be necessary to take such a course. After what had been said by several hon. Members with reference to

the presumed intentions of the Government, he would offer one or two reasons why he thought those who had brought this Bill forward might be satisfied with the debate. It had been said that there was no probability of passing the measure under any circumstances this year. If that were so, what good could arise out of pressing a division on the subject? Let hon. Members who had brought the Bill forward be contented with the discussion which had been evoked. During that discussion it had been every evident that the main reason that had been alleged by the supporters of the Bill in favour of such a measure was the allegation that the aldermen of the various corporations in the provinces of England did not fairly represent the ratepayers. At the same time that that allegation was made it had been over and over again admitted that the town councillors did adequately represent the ratepayers, and that what was required was that the aldermen should represent the ratepayers as efficiently as the town councillors. If that were the only reason why this Bill was introduced, the answer was in the hands of those who supported the Bill, and who had distinctly stated that in their opinion the aldermen, who were now elected by town councils, could be made adequately to represent the ratepayers if they were directly elected by the ratepayers themselves. One or two methods had been suggested whereby this more direct and perfect representation could be obtained, but he would not further allude to them than by saying that if it was true that the object of the promoters of this Bill would be better promoted by a different course, then he would suggest that it would be advisable that the Bill should be withdrawn, so as to give time for a mature consideration of the subject. He apprehended that there was another reason why the introducer of this Bill was anxious that it should be carried, and that was that there was a strong feeling in favour of the application of the principle of minority representation to municipal elections. If that was the reason why this Bill should be carried to a division, then he would suggest to the House whether they were not landed in this difficulty—whether really, under the cover of this Bill, the debate did not deal with the application of the principle of minority representation, not only to



aldermen, but to town councillors. He thought the one would carry the other. That was a much larger question, and he did not think that it would be advisable to vote upon the larger question under cover of a vote for the second reading of this Bill. He would not enter into any discussion as to whether it would be advisable by a minority vote to proceed to the election of town councillors. But he would urge that it was advisable that the country should understand fully what the House was voting upon, and that these great corporations should have the opportunity of expressing their own opinion on it. Therefore, he would suggest to the introducer of the Bill whether, if it was true that the Government had any intention of dealing directly or indirectly with this question, it would not be better that the Bill should be withdrawn on this occasion, and the discussion deferred to a more suitable opportunity.

SIR HENRY SELWIN-IBBETSON said, he agreed with almost every speaker who had addressed the House that their object should be, if possible, to eliminate politics from the election for aldermen and other municipal contests. Politics had entered far too largely into municipal elections. He was not, however, prepared to say that there was sufficient information before the House to justify the belief that by adopting the system which was recommended in this Bill they would strike a sufficient blow at the evil. Cumulative voting was at present adopted in the elections of school boards, and in the elections for three-cornered counties the same result was attained by a process nearly similar; but there was otherwise no instance of such voting in our Parliamentary and municipal systems. The discussion had shown that even those who supported the Bill were not unanimous that this was the proper remedy. Had the question been fully discussed either by the House or the country? It had been brought before the House by a Bill in 1873, but the discussion upon it had been hardly sufficient to elicit the opinion of the House. The subject had been briefly discussed upon one other occasion, but there had been no expression of opinion by the country itself, and where there were so many different opinions—the hon. Member for Bristol (Mr. Morley) being in

favour, for instance, of abolishing the dignity of alderman altogether—the Government asked the House not to pre-judge the question, but to leave it open for further discussion. He would, therefore, suggest to his hon. Friend that, instead of pressing the second reading of his Bill, he would be acting more wisely in the interests of the object he had in view in withdrawing his measure and consenting to the Motion for the Previous Question. The Government considered the subject deserving of serious attention, but they thought it could not be dealt with until after further information had been procured. He would ask the House to negative the Amendment unless the hon. Member for Stockton (Mr. Dodds) consented to withdraw it, and then to deal with the subject by agreeing to the Previous Question.

MR. HEYGATE said, he had great pleasure in expressing his gratification at the course which the discussion had taken. He was not only assured, by what had fallen from the Under Secretary of State (Sir Henry Selwin-Ibbetson), that the Government were of opinion that it was a subject which required their consideration, but on the other side of the House hon. Gentlemen who represented most important constituencies, and who were always listened to with great respect, had for the most part coincided with the objects of the Bill, whilst not a single speech had been made against it beyond that of the Mover and Second of the Amendment, and even they did not agree. He should not, therefore, press his Motion to a division, or attempt to legislate on this matter at this period of the Session. Before he sat down he must, however, say, with respect to the observations that had been made on the absence of any Petitions in favour of the Bill, that it was not at all likely that town councils would petition for their own reform, especially as such a proposal must be agreed to by a majority, and the grievance was that that majority was not a fair majority of those who represented the ratepayers, but made up of aldermen who did not fairly represent them. The hon. Member opposite (Mr. Dodds) was against the Bill because it would allow persons outside the council to be made aldermen, but that was the law already, so that this Bill



made no change in that respect. He begged to thank the Government for their determination to negative the Amendment, and would assent to the Previous Question as proposed by his hon. Friend the Under Secretary of State who had last addressed the House.

MR. DODDS said he was willing to withdraw his Amendment, in order that the Previous Question might be put and carried.

Question, "That the word 'now' stand part of the Question," put, and agreed to.

Main Question proposed, "That the Bill be now read a second time."

MR. ASSHETON CROSS rose, pursuant to Notice, to move the Previous Question. He said, he would not detain the House, because the views of the Government had been fully explained by his hon. Friend (Sir Henry Selwin-Ibbetson). The great object of municipal institutions was to get the very best possible materials for the governing body of the municipality. His hon. Friend (Mr. Heygate) had done good service by his treatment of this question and in having called attention to this matter. He believed the subject had not yet received sufficient attention in the country, but it would now be discussed by every municipality, and when Parliament again met the Government and the House would have the advantage of their deliberations in deciding upon the legislation to be adopted. His hon. Friend having done good service by bringing the matter before the House would now do equally good service in withdrawing his Bill from the decision of the House on the present occasion.

*Previous Question*, "That that Question be now put,"—(*Mr. Assheton Cross*,)—put, and negatived.

#### ALLOTMENTS EXTENSION BILL.

(*Sir Charles W. Dilke, Mr. Edward Jenkins, Mr. Burt.*)

[BILL 51.] SECOND READING.

Order for Second Reading read.

SIR CHARLES W. DILKE, in rising to move, That the Bill be now read the second time, said: Mr. Speaker—In 1832, a few days before the passing of the Reform Act, there was enacted a law to

authorize in certain parishes the letting of poor-allotments in small portions to industrious cottagers. The Preamble of the Act recites the existence in many parishes of allotments made for the benefit of the poor; which allotments were then comparatively useless and unproductive. It says that it would tend to the welfare and the happiness of the people if those allotments could be let at a fair rent and in small portions to industrious cottagers of good character. It enacts that it shall be lawful for the trustees of the allotments, together with the parish officers, to allot plots of between a quarter of an acre and one acre upon a yearly occupation from Michaelmas to Michaelmas, and at such rent as land of the same quality has usually let for, in the same parishes, to such industrious cottagers of good character, being day-labourers or journeymen, legally settled in the said parish or dwelling within or near it, as should apply for the same. There follows provisions as to the cultivation of the land, as to the holding of a vestry to receive applications, and as to the payment of rent. This Act, to which I will in future allude as the Act of William IV., was a good Act, and it has been put in force with the best effects in several parishes of the Thames Valley, especially in the neighbourhood of Walton and Weybridge; but it has not been largely put in force. It is doubtful whether its true legal construction makes it apply to cultivated lands, and the only remedy by which its enforcement can be assured is by the costly process of *mandamus*, which poor cottagers cannot afford. Still, I repeat that the Act of William IV., was a good Act and a safe one as regards lands in respect to which it is already in force and lands in the same and adjoining parishes. On the other hand, we passed in 1873 an Act called the Poor Allotments Amendment Act, which was a less good Act. It contained a clause, amongst others, which gave power to the trustees to require that the rent for any land let under the Act of 1832 should be paid for a whole year in advance. I, myself, frankly admit that I do not like that clause; but I have put it in my Bill because I think that the Bill with it will be an improvement of the present law, and one which it would be a substantial benefit to the labouring poor to possess; whereas the Bill without it would not possess the smallest chance of becoming

law, either in this or the next Session. The object of the present Bill is to make clear the law, as stated in the two former Acts, and to provide the cottagers affected by them with a cheap and easy remedy in those cases where the spirit of the Act of William IV. is not fairly understood by the trustees. The Act of 1832 contemplates the acquisition of allotment plots by labourers in cases where they offer, and by the Act of 1873 may be required to pay in advance a rent equal to that generally paid in the same parish. But in the cases—any number of which can be produced—in which the labourers are refused those plots of ground, or in which they are offered to them only at a rent, two or three times as great as that which other persons pay, the present remedy is an application for a *mandamus* to one of the Superior Courts of Law—a remedy which, of course, is wholly out of the labourer's reach. The most important of all the objects of the present Bill is to provide a cheap and easy remedy in lieu of the *mandamus*. In order to make out a case for legislation, I ought to show the existence of a grievance. I will then briefly refer to 19 cases drawn from nine counties in England—the detailed information as to each of which is in my possession. The first case is one from Oakley near Thame in Buckinghamshire. In this parish, there are more than 115 acres of "poor folks" pasture, producing a rental of £102 10s., distributed in money amongst the poor of the parish. The land is let to a farmer; and the labourers state to me their desire and ability to rent it. They are willing to give a higher rent for it than is now given, and they would probably go to 50 per cent above the present rent. Two of the trustees, who are clergymen, are favourable to the labourers' view; but the farmers, who form a majority, are hostile. In the same parish the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) lets 86 acres of allotments to 90 tenants for £102, and the rents are so regularly paid that he has only lost a few shillings by bad tenants within the last five years. Part of this same land of his, was formerly let to a farmer at 7s. 6d. an acre; but he gave it up because the land was so poor it did not pay him. The men pay now £1 2s. 6d. an acre, and the farmers want to get it away from them; but the right hon. Gentleman, much to

his honour, has replied that the men who have improved it shall have it; and I believe that the allotment-holders have lately presented him with a silver inkstand. The second case is that of Wavendon, in the county of Buckingham. In this parish there are 11 acres of town-land. Ten acres were lately let at a rent of £14, and one acre let in allotments to the poor, at a rent of £4 7s. In 1873, the labourers, on the death of the late occupier of the 10 acres, made an ineffectual effort to become themselves tenants of the 10 acres. They memorialized the Charity Commissioners, alleging that the 10 acres, let for £14, were badly cultivated and had not been manured for 20 years. The son-in-law of the late occupier then offered £20 instead of £14; and the trustees accepted the same without trying to get more from the labourers; and they wrote to the Charity Commissioners stating that they objected to let land to labourers, inasmuch as with regard to the one acre already so let, the rents were paid at irregular dates. With regard to this one objection it must be observed that there is no fixed time to pay the rent, and that every man takes it to the clergyman when he pleases. The objection of the trustees would have no force against our Bill, because they could, if they pleased, demand payment in advance. The third case is that of Thurlston in Warwickshire. Here there are 43 acres set apart for the benefit of the poor—the rent to be distributed in fuel. Eight acres are let in allotments. Thirty-two acres at least are rented by one landowner; but there are 40 or 50 labourers at present without allotments who have offered to pay a higher rent for the 32 acres, if let in allotments. The fourth case is that of Hanslope in Buckinghamshire. In this parish there are 61 acres of charitable land and six acres of poor's allotments' land. The labourers cannot get either, although they would gladly pay higher than the present rent for both. The fifth case is that of Sutton St. James in Lincolnshire. In this parish political disputes have been imported into the selection of persons to occupy allotments—which state of things would be prevented by the remedy offered under this Bill. The sixth case is that of Burton in Buckinghamshire. In this parish there are 15 acres of arable charity land, for which the men would

Sir Charles W. Dilke

gladly pay higher than the present rent. The seventh case is that of Wappenham, near Towcester, Northamptonshire. Here there is a poor's-allotment of 15 acres, let at £25 a-year. The men have offered to give £30 a-year and to pay in advance for it; but they have been refused. They are paying for other allotment-land, in the same parish, at the rate of £3 an-acre. The eighth case is that of Graffham in Huntingdonshire. Here there are 21 acres of town-lands, for which the men offer higher than the present rent, but are refused. The ninth case is that of Woughton-in-the-Green in Buckinghamshire. Here there are 14 acres of poor's-land, let at £20, to a Mr. Letts. He sub-lets half of it in allotments at an increased rent. The labourers would gladly directly occupy the whole at the same rent. The tenth case is that of Ratley in Warwickshire. Here there are 12 acres of fuel allotments, of which the labourers occupy one acre; but they would gladly occupy the whole at higher than the present rents. The eleventh case is that of Sympton in Buckinghamshire. Here there are 48 acres of poor's-land, which the labourers would gladly rent, but are refused. There are no allotments at all in the parish. The twelfth case is that of Little Barrington in the county of Gloucester. Here there are 24 acres of arable poor's land. On this some of the labourers have been given allotments of one-tenth of an acre each, but many have none at all. They would gladly take the whole of the land at an improved rent. The thirteenth case is that of Hampton Poyle, in Oxfordshire. Here there are four acres which are historical, inasmuch as they gave rise to this Bill. The rector of the parish, who is one of the trustees, vainly attempted to induce the other trustees to let the labourers have it instead of a butcher. The fourteenth case is that of Great Rollewright, in Oxfordshire. In this parish there are 27 acres of fuel allotments let out in allotments to the labourers; but there are also 56 acres of poor's-land let at £80, and which the labourers, by offering £90 or £100 for, have caused it to be put up to £90; which the labourers want to have; but they have been refused by the trustees, on the ground that if they had it "they could not attend to the farmers' work." The fifteenth case is that of Bampton, in

Oxfordshire. In this parish there are about 70 acres of poor's land, for which the men would gladly offer a higher rent. The sixteenth case is that of Stamford, in Berkshire. Here there are 25 acres of poor's land, for which the labourers would give a higher rent. The seventeenth case is that of Farringdon, in Berkshire. Here there are 39 acres, of which nine acres are let in plots of three acres each to three labourers. There are many other labourers who would gladly pay a higher rent. The eighteenth case is that of Longborough, in Gloucestershire. Here there are 17 acres of fuel-allotments' land. The labourers have offered a greatly increased rent, and have applied to the Charity Commissioners, to whom the trustees wrote, saying that the labourers had already allotments of the average size of half-an-acre. But this is not true. The nineteenth case is that of Brill, in Buckinghamshire. Here there are 181 acres let at £184, for which the labourers would gladly give a higher rent. I might produce any number of similar cases, but I have only stated those with the whole of the details of which I am thoroughly acquainted. The Bill which is now before the House states in its Preamble that the provisions of the Act of 1832 have only been partially carried out. The main enacting clause of the Bill is the 4th, which provides that all trustees in whom lands are vested for the general benefit of the poor, shall annually in the month of June give notice of the situation and extent of the lands so held, and of the rent per acre which they are ready to accept for the same lands when let in plots under the Act of 1832; and also of the time and place at which application of cottagers to rent portions may be made. The clause goes on to direct trustees to let to labourers, provided that a higher rent cannot otherwise be obtained, but giving them the power to require the rent for lands let to cottagers may be paid for a whole year in advance. The 5th clause is inserted in consequence of an agitation against the Bill, as it was drawn last year, in the parishes around Weybridge, where the old Act had been successfully worked. We do not consider such clause to be necessary, but as there is a doubt on the matter, we think it is better to have it in. The 6th and 7th clauses are an explanation of the 4th. The 8th clause



directs that where, either from the constitution of the trust, or from any other cause, it is difficult for the trustees to let the lands as directed, the Charity Commissioners may settle rules for the appointment of local managers. The 9th clause provides against neglect on the part of the trustees, and gives the newly-proposed remedy, which is by application to the Judge of the County Court, who is given power to issue an order, having for certain limited objects a similar effect to that of a *mandamus* from the Superior Courts. But, at the same time, the trustees are guarded by being enabled to show reasons for their omissions, and by a provision in the 10th clause that the certificate of the Charity Commissioners to the effect that, under the circumstances of the case, there are sufficient grounds for their so acting, shall be deemed to be a sufficient defence to any such suit brought before the County Court Judge. The 11th and 12th clauses provide that if the rent of a plot shall be for four weeks in arrear—that is, of course, in the case where the year's rent in advance has not been demanded by the trustees—that then the trustees may obtain a summons against the person as unlawfully holding, and regain possession. So much for the provisions of the Bill. The lands to which the Bill shall apply are partly defined in the Act of 1832, and partly in the 4th clause of this Bill. It should be understood that the question of allotments raised by this Bill is only the question of who shall be tenant. The rent remains for the benefit of the original objects of the trustees undisturbed, although we expect that the rents will be increased, because a higher rent is generally paid for an allotment of part of an acre than is paid when land is taken in large quantities for a farm. The general benefits, therefore, are either not affected or are augmented. But the only question is, who shall be tenant? Now, we all know that the labourers are commonly disliked as tenants by the farmers, on the ground that the allotments make the labourers "too independent." This is, however, I think, a narrow view which the farmers take of their own interest, inasmuch as the allotments would keep the labourers on the spot, and would form a sort of security for the farmer that they would not run

short of labour, as they have lately done in some parts of England.

Motion made, and Question proposed.  
"That the Bill be now read a second time."—(*Sir Charles W. Dilke.*)

SIR HENRY SELWIN-IBBETSON would briefly explain his reasons for asking the House not to read the Bill a second time. No one felt more thoroughly than he did that the system of allotments, if properly managed, was beneficial to the labourers in the rural districts. Therefore, he did not oppose the measure in consequence of any objection to the system, but because he did not think that the provisions of the Bill were necessary, or that they would effect the objects which the hon. Baronet had in view. The provisions of the Act of William IV. were almost identical with those which the House was now asked to consider. Under that Act the vestries and trustees of lands left for charitable purposes were obliged to let such lands to the labouring classes in the parishes where the lands were situated, so that the object of the hon. Baronet was really effected by the statute in question. Perhaps, however, the hon. Baronet might say that his object was to make the statute operative in cases where it had not been put in force. [*Sir Charles W. Dilke: Hear, hear!*] Well, the object in view could not be attained for the Act of William IV. was compulsory on all parishes, but in Section 5 of the present Bill it was provided that it should not apply, except in cases where the previous Act had not been put in force. Now, in point of fact, the Act of William IV. was put in force in every parish. This 5th clause, he thought, was the defect in the Bill. Besides another statute was passed in 1873 in order to render the Act of 1832 operative. The Bill which the hon. Baronet now sought to induce the House to read a second time was intended to repeal the Act of 1873. To that he (*Sir Henry Selwin-Ibbetson*) was opposed. That statute provided that where the number of trustees was more than 20 a committee should be elected of not more than 12 or fewer than 6. The last-mentioned Act would probably produce efficiency, and considering how short a time had elapsed since it passed he doubted the expediency of an attempt at the pre-

*Sir Charles W. Dilke*

sent time to re-open the question. For these reasons, he asked the House not to agree to the second reading.

MR. J. W. BARCLAY, in supporting the second reading of the Bill, pointed out that the Act of 1873 had failed to carry out the object which was desired. He maintained that the cost to enforce the application of the Act in the parishes referred to by the hon. Baronet (Sir Charles W. Dilke) was such as to preclude poor labourers from obtaining allotments. He believed the Bill, if passed, would confer one of the greatest boons that could possibly be granted to the agricultural labourer. He hoped that the Bill would be read a second time, and all necessary Amendments could be made in Committee.

MR. GREGORY sympathized with the hon. Baronet and with the hon. Gentleman who supported the second reading of the Bill in their desire to secure an extension of land for agricultural labourers, but he doubted whether the Bill was necessary, and whether the object in view might not be attained by a shorter and simpler course. He looked upon the Bill as calculated to compel the trustees to put up the land year by year to let, a provision which would be attended with considerable disadvantage. He considered the existing Act contained all the power necessary to warrant the trustees to let land for cottage accommodation. In the 19 cases adduced by the hon. Baronet there had been a direct breach of trust on the part of the trustees, and he would point out that the persons aggrieved might have at once applied for redress to the Charity Commissioners. It was only necessary in his judgment to put into operation the Act of 1832, as amended, by the Act of 1873, and this could easily be done by the machinery which the Charity Commissioners had at their disposal. He hoped the hon. Baronet would not press the second reading of his Bill.

MR. RODWELL said, he had had considerable opportunities of knowing that there were many counties wherein no land could be obtained to erect cottages upon for the labouring poor; and, so far as related to that fact, the Bill of the hon. Baronet seemed to be desirable. The hon. Baronet in his statement, referring to the Act of 1832, and to the Act of 1873, passed to enforce the provisions of that Act, said the words

"you are required," addressed to the trustees, were embodied in it; but it was a fact that the trustees, notwithstanding that direction, had not acted as they should have done in compliance with the words. Looking, however, at the 5th clause of the hon. Baronet's Bill, he thought it objectionable. He was afraid that there would arise a conflict between the provisions of the Act of 1873 and the provisions of the 5th section of this Bill if it were passed into a law. Were the Bill to pass as it now stood its operation would be extremely limited. His opinion was that the second reading ought not to be pressed. The publicity which had been given by the debate, and the assurance given by the Government that trustees could be held responsible for the discharge of the duty cast upon them by the law, and that these trustees ought to be reminded of their responsibility, would, he thought, sufficiently gain the object sought to be attained by the hon. Baronet. No doubt the law had hitherto been in force, but he denied that it had been fairly enforced. What had been said, however, would help to bring trustees to a proper sense of their duty, and that would be sufficient in the meantime. There would be no practical purpose gained even were the Bill read a second time at this protracted period of the Session. For himself, he should be sorry if any display of want of unanimity were made by the House on such a subject as the condition of the labouring poor. That was not, and ought never to be made, a Party question. They were all equally interested in the welfare of the labouring poor. He felt quite certain that every necessary object would be served by trustees being informed as to what the law was, and the determination of the Government that the law should be put into force.

SIR CHARLES W. DILKE said, his object was to provide a cheap and easy means of compelling trustees to enforce the law. With reference to the suggestion of the hon. Member for East Sussex, he might remark that a case had occurred in Gloucestershire where an application had been made without success to the Charity Commissioners. He could not agree that it was undesirable that a division should be taken upon the Bill.

SIR RAINALD KNIGHTLEY thought it was undesirable to have a



division on the Bill, and therefore he moved the Previous Question.

*Previous Question* put, "That that Question be now put."—(*Sir Rainald Knightley.*)

The House divided:—Ayes 116; Noes 164: Majority 48.

#### WASTE LANDS (IRELAND) BILL.

(*Mr. MacCarthy, Mr. Errington.*)

[BILL 141.] SECOND READING.

Order for Second Reading read.

MR. JOHN GEORGE MACCARTHY, in moving that the Bill be now read the second time, said, he did not expect to be able to make much progress with the measure, but hoped to obtain from the Government an assurance that would be satisfactory to himself and his friends. In his short experience of Parliament he had become convinced that whatever might be the differences and animosities of Party, there was underlying them a friendly desire to consider every proposal that had for its object the promotion of the material welfare of Ireland. English Members on both sides of the House had said to him—"We do not understand your sentimental grievances, but show us anything practical, that will not violate the principles of political economy nor entrench upon the rights of property, but which will be for the benefit of all classes in Ireland without being injurious to the Empire at large." It was in that spirit he had prepared the present measure, without wishing at all to depreciate the sentimental grievances of the country, which grievances were always the deepest felt, just as sentimental aspirations were always the noblest. In explanation of the necessity which existed for the measure, he might mention that there were in Ireland about 21,000,000 of acres. Of this area towns and plantations occupied about 1,000,000 acres, so that there remained 20,000,000 of acres more or less available for culture; but of that quantity there were 2,250,000, or more than one-fifth, totally barren. In some counties it was even worse. In King's County one-quarter of the land was barren; in Tyrone one-quarter; in Kerry and Galway one-third; and in Donegal and Mayo one-half. Not to overstate his case he would admit there was 1,000,000 acres of high mountain land and 1,000,000

acres of bog and morass, which might be left out of consideration; but still there was the broad fact that there were 2,250,000 of acres of land which could be reclaimed, which were not reclaimed, and this waste disfigured the country in a way which struck every traveller—from Arthur Young to Thackeray—who had visited the country. He believed all those lands could be reclaimed, and that even the Bog of Allen might be brought into culture. It was an historical fact that the Dutch soldiers in the invading army of William III. proposed to reclaim it if they were offered the security of the Dutch law. Again, in their own times the celebrated engineer, Mr. Nimmo, undertook to reclaim it at the price of £3 per acre; but neither of those offers received any countenance, and consequently the Bog of Allen was the Bog of Allen still. Were Ireland a manufacturing country she might perhaps be able to bear the ratio of waste to barren land; but as her only industry was agriculture it was simply so much taken away from the raw material of that industry, and which, if brought into cultivation, would abate the expenditure of £4,000,000 per annum on foreign breadstuffs. Co-existent with this state of things there was such an eager competition for land that many holdings were let as high as the value of the fee-simple, while most of the agricultural population was dying from the soil because they could not obtain land on which to settle—one day or other to come back, but with no intention to advance the material interests of the Empire. Independently of these considerations the presence of the waste and morasses was injurious to the adjacent soil which was under cultivation, rendering it so damp as to be almost unfit for the growth of cereal produce. It was, too, from those uncultivated spaces the weeds were derived which disfigured Irish agriculture generally, while the climate of the country was deteriorated from the same cause. This was a matter which had engaged the attention of Government and statesmen from the time of the Brehon lawgivers down to the days of Earl Russell, and it was upon the basis of that nobleman's measure—itsself based on the Report of the Devon Commission—that he had proposed the present Bill. The object of the Bill was to bring about the re-

*Sir Rainald Knightley*



clamation of the waste lands. Its general purport was that the Commissioners of Public Works might purchase the lands in question from owners who were willing to sell. Limited owners as well as others were empowered by it to convey to the Commissioners. An hon. Friend had called attention to the fact that the Bill did not provide specially for payment to the occupiers by the Commissioners. That, no doubt, was an error, which ought to be rectified in Committee, if the Bill should be fortunate enough to get so far. The Bill gave powers to the Commissioners to make roads, divide the lands into allotments, and dispose of those allotments; but it expressly provided that the general work of reclamation should be carried out, not by the State, but by the occupier. He hoped that at least the principle of the Bill would be accepted on the present occasion. It would be observed that the measure infringed no right of property and violated no rule of political economy. He submitted it to the House, not as involving a difficulty, but as an opportunity, and he did it confident in the earnestness of the desire of the Government to promote the material prosperity of Ireland. Objections might be raised to the details of the measure, but he was sure its principle would be acceptable to all classes. It proceeded on the teaching of Arthur Young—"If you want to reclaim land, plant it with men." The Bill was endorsed by Members on both sides of the House. It was petitioned for by all classes of Irishmen, irrespective of creed or of party, being an effort to benefit the Irish people, by adding to the productive area of their country. If he was a public benefactor who made two blades of grass grow where one only grew before, it was a noble ambition to bring the waste into smiling culture, following in the footsteps of Pericles, who planted Hymethes with the olive and the vine.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. MacCarthy.*)

SIR MICHAEL HICKS - BEACH regretted that the discussion on this most important subject had begun at an hour when it was impossible to enter into it at the length which it deserved. The attention of the House could hardly be

occupied with any question of greater importance to Ireland. He fully appreciated the feelings with which the hon. Member had brought the matter forward, and would be sorry to say anything that would lead hon. Members to suppose that he did not sympathize with the object the hon. Member had at heart; but he felt bound to say that he feared the scheme which had been submitted to the House was scarcely of a practicable character, and was unlikely to secure the benefits which the hon. Member anticipated. It involved an entirely new principle. The existing Statute Law contained provisions—which, so far as he knew, had been found ample of their kind—by which the State could advance money to owners for the purpose of improving land, or to persons who were desirous of purchasing land for the purpose of reclamation. Under the Land Act of 1870 the tenants on an estate which was for sale might have the assistance of the Treasury to the extent of two-thirds of the value of their occupations, repayable with 5 per cent interest in 35 years, for the purpose of enabling them to become proprietors of their farms; and powers were given to the Landed Estates Court with the object of securing that the lands for sale should be disposed of in lots, so as to meet the capabilities of small capitalists. The proposal of the present Bill was that the Government should take upon itself works which had hitherto been left to private individuals—that it should become the owner of the waste lands, improve them up to a certain point, and then re-sell them, or, in default of purchasers, let them on terms of lease. That proposal involved a principle of great importance, which could not be adequately discussed on the present occasion. Before, however, they imposed on the Government by legislation duties which had hitherto been left to private enterprise, it ought to be shown first that in no other way could such necessary work be done, and next that such duties could be advantageously performed by the Government. The hon. Member had not proved either of those points. The hon. Gentleman had referred to a proposal made by Lord Russell at the time of the Famine, when it was necessary for the State to inaugurate large works of relief to keep the people from starving; but the circumstances of Ire-

land were now very different, and they had arrived at a point in the history of that country when the means at the disposal of those engaged in agriculture were greater than they had ever been before. It was desirable to glance for a moment at what had already been done under the existing law in regard to reclaiming and draining land in Ireland. Since 1844 there had been drained, under the Land Improvement Act, 274,000 acres; by landlords and tenants another 300,000 acres had been drained; there had been nominally reclaimed by tenants 300,000 acres more. He said nominally reclaimed, because reclamation by the tenant too often meant cropping for a few years without supplying the necessary manures, in consequence of which the land became exhausted, and was soon allowed to return to a state of nature. In addition to that, there were 400,000 acres of mountain pastures which were now let to tenants. These, taken together, made a total of 1,274,000 acres added to the productive parts of the country during the last 30 years. What more could be done under the Bill brought in by the hon. Gentleman? Ireland comprised 20,800,000 acres, of which there were in pasture and tillage, 15,400,000 acres; in bog and waste lands, 4,390,000 acres; the remainder consisting of woods, lakes, and towns. Of the 4,390,000 acres of bog and waste lands, to which that Bill related, 1,300,000 were in the low country and in the centre of Ireland. If it was sought to improve that land for agricultural purposes, it would be necessary to convey to it, at great expense, materials to adapt it for cultivation, so that the result of an attempt to reclaim a very large portion, if not the whole, of that area, would be an absolute loss to those who undertook it. There was next an area of 1,100,000 acres of mountain land, at from 1,000 to 2,000 feet above the level of the sea. It was absurd to talk of that as being susceptible of profitable cultivation as arable land. Then, there was a further area of 1,000,000 acres, averaging 1,000 feet above the level of the sea, which was to a certain extent now employed as mountain pasture, and which could be more profitably used in this way than if broken up and cultivated. Lastly, there were 990,000 acres of lower mountain pasture, which might, no doubt, be improved for cattle grazing,

but which could not be profitably improved as arable land. It might, therefore, be said that nearly the whole area to which the hon. Member alluded in his Bill was of a description that either could not be improved for the production of food of any kind, or could only be improved for the purposes of pasture, or would cost in improvement more money than it could possibly return. For, after all, a most important part of the question was, would the reclamation of the lands to which the hon. Member referred pay, whether it was undertaken by private enterprise or by the State? If it would pay the private owner to reclaim it he would do it for his own interest, on the advantageous terms which the State now held out to him. If it would not pay the private owner to do it, was it likely to pay the State? If anything could be done by way of Government interference to secure that works of arterial drainage should be more generally and thoroughly carried out than they were at present, that was a matter which the State might reasonably undertake. But that was a very different thing from the proposal contained in that Bill. An experiment, not without interest, of the kind suggested by the hon. Member (Mr. MacCarthy) had been made in the county of Cork. In the reign of William IV. the Commissioners of Woods and Forests began to improve certain waste lands in the West Riding of Cork, situate about 850 feet above the level of the sea. They expended £17 an acre in reclamation, and nearly £8,000 was presented by grand juries of Cork and Kerry for the formation of roads. The land was portioned out into small farms, roads having been made and steadings for tenants. A model farm, a village school, and tradesmen's houses were all built, and the land drained and divided into fields. Mr. Caird visited the district in 1850, and he found that the scheme prospered so long as the potato remained sound; but when money wages had to be paid, it did not succeed. Mr. Caird's general opinion on that experiment was as follows:—

"Better far that this tract should be left in undisturbed possession of the curlew and the solitary raven than that it should be made the means of perpetuating a system which only thrives through the misery of the people.

"At this moment, if the fee simple of the model farm, with the stock and crop on it, were sold, they would not repay the capital sunk in

*Sir Michael Hicks-Beach*

the undertaking, while it is acknowledged that without conacre labour the returns will not pay the expenses. The experiment at King William's Town may therefore serve as a beacon to warn others against a similar attempt."

The estate was afterwards sold. But if past experience, and present probabilities, showed that it was not likely that the proposal of the hon. Gentleman would succeed financially, why should the taxpayers of the country be called on to bear a loss for the benefit of the present owners of these waste lands? The hon. Member proposed that they should buy the waste lands by voluntary agreement from the existing owners; but it was hardly likely that they could do so except for a price above the real value. Then the waste lands were to be sold by private tender or by auction. It was not very probable, considering that there did not seem to be any general desire among those engaged in agriculture in Ireland under existing circumstances to become purchasers of the fee simple of land, that they would buy at a price fixed by the Government, land that was not yet under cultivation. Then, if the land was not sold, it was to be leased by the Commissioners to tenants. He did not think it would be beneficial either to the State or to Ireland that the Government should thus become the largest landowner in the country. The Bill was permissive; but if it was not carried out on a large scale, if the Commissioners of Works did not become land-jobbers to an almost unlimited extent, the scheme would obviously fail to produce the effect intended by its authors, and there would be a feeling which would urge on the Commissioners to the expenditure of public money under the measure. The best way to improve Irish agriculture and to increase the productive power of the country was not to add to the area under cultivation land which could not be cultivated profitably, but to do everything in their power to secure that the area already under cultivation should be better farmed. If that area were farmed even up to the standard of England and Scotland, more good would be done to Ireland than by any of the proposals of that Bill. The great object of all who had looked at that matter from the point of view of economical science was that as great an amount of food as possible should be raised from a given area, with the lowest amount of

expenditure. In conclusion, the Government were not indifferent to that important question, and he had already admitted that, in regard to arterial drainage, their influence might be of advantage; but that they should, through the Public Works Commissioners, become the purchasers of large tracts of land in Ireland was a project to which they could not assent, because they believed it would be injurious to the United Kingdom, and do no real service to Ireland.

SIR EARDLEY WILMOT confessed that he was disappointed at the course the Government had taken in the matter. It was with great pain that he had seen the coercive legislation passed for Ireland early in the Session, and he certainly thought that when a practical measure like the one before them was introduced by an Irish Member, Her Majesty's Ministers might have given it their support. He believed that the proposal would do much to lift Ireland out of its present difficulties. Year after year Select Committees had pointed out that the reclamation of waste lands was the only remedy for the agricultural population of Ireland.

SIR JOSEPH M'KENNA, thinking it would be highly inconvenient to take a division on the measure after so imperfect a discussion, then moved the adjournment of the debate.

*Motion agreed to.*

*Debate adjourned till To-morrow.*

#### PUBLICANS CERTIFICATES (SCOTLAND) BILL.

Acts read; *considered* in Committee.  
(In the Committee.)

*Resolved*, That the Chairman be directed to move the House, that leave be given to bring in a Bill to assimilate the Law of Scotland, relating to the granting of Licences to sell Intoxicating Liquors, to the Law of England.

*Resolution reported*: — Bill *ordered* to be brought in by Dr. CAMERON, Sir WINDHAM ANSTRUTHER, Mr. RAMSAY, and Mr. MACKINTOSH.

Bill *presented*, and read the first time. [Bill 256.]

#### CLERK OF THE PEACE (COUNTY PALATINE OF LANCASTER) BILL.

On Motion of Mr. HARDCASTLE, Bill to amend an Act passed in the Session of Parliament held in the thirty-fourth and thirty-fifth years of Her Majesty, intituled "An Act for making regulations as to the office of Clerk of



the Peace for the county palatine of Lancaster," ordered to be brought in by Mr. HARDCASTLE, Mr. HOLT, and Mr. CLIFTON.

Bill presented, and read the first time. [Bill 257.]

House adjourned at Six o'clock.

## HOUSE OF LORDS,

Thursday, 15th July, 1875.

### MINUTES.]—PUBLIC BILLS—First Reading—

Police Expenses \* (207).

Committee—Friendly Societies (173-208); Artizans Dwellings (Scotland) \* (202).

Committee—Report—Bridges (Ireland) \* (198).

Report—Public Health (200); Local Government Board's Provisional Orders Confirmation (Bromley, &c.) \* (149).

Third Reading—Chelsea Hospital (Lands) \* (152), and passed.

### PUBLIC HEALTH BILL.—(No. 200.)

(The Lord President.)

#### REPORT OF AMENDMENTS.

Amendments reported (according to Order.)

Clause 298 (Proceedings on complaint to Board of default of local authority).

LORD ABERDARE, in moving as an Amendment in page 116, line 36, to leave out from ("Where,") to ("a,") in line 37, said, its effect would be that where the ratepayers failed to call attention to the fact that the local authorities had made default in providing sufficient sewers, &c., the Local Government Board should construct the necessary works and charge the cost upon the localities. The interpretation put upon the existing Act by the Local Government Board was that the local authority should take the necessary steps to remove a nuisance on the complaint of the ratepayers. He was afraid, however, that local authorities were not sufficiently eager in this matter of sewerage and water supply. It was probable that many places had adopted the Public Health Act for the purpose of avoiding being placed under the provisions of the Improvement Bill. In order to put an end to that evil he begged to move the Amendment.

Amendment moved, in page 116, line 36, to leave out from ("Where") to ("a") in line 37.—(The Lord Aberdare.)

THE DUKE OF RICHMOND said, he could not approve of the Amendment, nor of the interpretation put upon the clause by the noble Lord, who he would remind that it was not absolutely necessary that action should be taken by the ratepayers, since any person in a district could take the necessary steps. It was quite impossible for the Local Government Board to be aware of what was going on in every district. How could a Board sitting in London manage the affairs of all the Unions throughout the country, amounting to 1,500 in number? The Amendment would be of a penal character, as it would empower the Local Government Board to carry out sanitary improvements everywhere, and charge the ratepayers with the expense of the works, whether the district liked them or not. There was no district where there was not some person who would call attention to anything unhealthy, and therefore it would be wrong to place the initiative in the hands of the Local Government Board. He thought the effect of the proposal of the noble Lord, if carried, would be to place the Local Government Board in a position of great difficulty, by imposing upon them a duty they could not well perform; besides which they would be putting upon the Board a power which it ought not to possess, and which might be in danger of being exercised very injuriously to the districts affected.

On Question? Resolved in the Negative.

Amendment made; and Bill to be read 3<sup>d</sup> To-morrow.

### FRIENDLY SOCIETIES BILL.—(No. 173.)

(The Lord Steward.)

#### COMMITTEE.

House in Committee (according to Order).

Clauses 1 to 13, inclusive, agreed in, with Amendments.

Clause 14 (Duties and obligations of societies).

THE EARL OF MORLEY proposed an Amendment providing that the audit should be superintended by a Government official. He thought some such Amendment as this was necessary to render the clause more real and efficient, as at present he considered it to be merely illusory.

EARL BEAUCHAMP hoped the noble Earl would not press the Amendment. The Friendly Societies were voluntary associations, and it would be impossible for the Government to assume the responsibility of managing purely voluntary associations. All that the Government wished to obtain was publicity, and that object would be attained by the clause. He, however, would take the matter into his consideration, and see whether he could frame a clause to meet the noble Earl's wishes.

THE EARL OF MORLEY, on that assurance, said, he would withdraw his Amendments.

Amendment (by leave of the House) *withdrawn*.

Clauses 15 to 27, inclusive, *agreed to*, with Amendment.

Clause 28 (Payments on death of children).

LORD ABERDARE, in proposing an Amendment to reduce the amount payable by burial clubs on the death of children under the age of five years to £3, and to allow the insurance only in one society, such amount being sufficient to pay the burial expenses, said, the subject to which he referred was one which had for many years been before Parliament. From the Appendix to the 2nd Report of the Commissioners of Inquiry into the State of Large Towns and Populous Places (1845), which contained a passage relating to Lancashire, it appeared that infanticides, either by wilful neglect or direct intention, were perpetrated in order to procure the burial money paid on the death of a child. From the same document it also appeared that on an analysis of the Returns of 232 burial clubs, it was found that on the average the insurance was £8 12s., while the cost of a child's interment rarely amounted to more than £2. Indeed, it was well known that there was a class of men among the undertakers who would not scruple to bury children in the coffins of grown-up persons for a few shillings, and that even where they did not, there were undertakers in Glasgow did not charge more than 14s. for infant burials. The benefit from the demise of a child was stated to be so great that an expected death was often brought forward as a plea for delay in the collection of rates. In the course of

the evidence given before the Select Committee of the House of Commons on the Protection of Infant Life which sat in 1871, it was stated that the great mortality of infant life was not due to anything that could be called active criminality, but rather to negligence, and that the amount of actual criminal destruction was very small indeed in comparison with the non-criminal destruction. The ordinary mortality of infant children under one year of age was estimated at 15 or 16 per cent. In the larger towns, where they were put out to nurse, it amounted up to 70, 80, or even 90 per cent. The proportion of illegitimate children born in England to legitimate was about 70 per 1,000, and of these it might be assumed that not more than 10 per cent grew up. That Committee recommended that no infant or very young person should be entered in a burial club or become the subject of life insurance. From a Return made in 1861, it appeared that while the infants of labouring men outside the clubs died under five years of age at the rate of 36 per cent, those of the same class which were insured in the burial clubs died at the rate of 62 or 64 per cent. A vast amount of the mortality among children under five years of age in Glasgow was attributed to culpable negligence on the part of those who had charge of them. On the whole, therefore, he thought there could be no doubt that the great infant mortality which prevailed in certain districts of the country was due to the large insurances which parents were enabled to effect in case of their children by insuring them in several burial societies, and he urged that the inducement to parental neglect, which the profit to be derived from the deaths of insured children held out to fathers and mothers in the humbler walks of life, should be removed as much as possible. With that object in view, he would move to amend the clause by reducing the maximum insurance on the lives of children from £6 to £3.

Amendment *moved* to leave out ("added to any amount payable on the death of such child by any other society.")—(*The Lord Aberdare*.)

EARL BEAUCHAMP opposed the Amendment. The subject had been well considered, and there was no reason

to suppose that the sum was more than adequate in most cases to defray the expenses of a decent burial. He would be the first to shrink from proposing anything in the Bill which there was the least foundation for supposing would conduce to child murder. The Select Committee of the House of Commons that had sat to consider this question some few years ago had, however, arrived at a very different conclusion on this matter from that which the noble Lord had come to. According to the evidence of the Judges before that Committee, there could be no doubt that cases of actual child murder by persons connected with burial clubs were exceedingly rare, and although among certain grades of society there was unquestionably a low moral tone, yet he could not believe that parents were induced for the sake of the paltry gain of a pound or two to allow their children to die of neglect or to get rid of them improperly. There were quite enough causes of mortality among infants to account for the high death-rate among children without resorting to the odious charge that the parents got rid of them for the sake of gain. When there was nothing more than the expression of an opinion upon one side, it would be a hard thing to withdraw a privilege which the working classes had hitherto enjoyed. No doubt, crime such as was suggested existed, but its commission was much less frequent than formerly, and there was no reason for connecting it with the working classes. Under these circumstances, he hoped their Lordships would agree with the decision at which the House of Commons arrived on this subject, and would not make the alteration proposed by the noble Lord opposite.

THE EARL OF MORLEY denied that his noble Friend (Lord Aberdare) had cast the imputation which was supposed upon the working classes. Except in a particular state of circumstances a husband, no matter what his position in life might be, could not effect an insurance upon his wife's life, and it was no imputation on the working classes to ask that the insurances on their children's lives should be limited to the mere cost of burial. He understood the arguments of his noble Friend to be that by allowing parents to insure the lives of their children at an amount

greater than the cost of their burial, an inducement would be given to parents to neglect to a certain extent the children whose lives they had insured, or, at any rate, not to bestow so much care upon them as they ordinarily would do. The answer of the Government in regard to the matter was by no means satisfactory, and he should therefore support the Amendment of his noble Friend, which he cordially approved.

LORD HENNIKER said, he agreed with what had been said as to the difficulty of fixing on the proper maximum sum for insurance of children of a certain age exactly. Of course the noble Lord opposite (Lord Aberdare) had no intention of accusing the working class of child murder. If such a state of things did exist in connection with Friendly Societies to a large extent, no doubt almost any remedy was justifiable, but he thought this was not the case, but rather the exception. The more respectable class would regard the higher rate of insurance as a boon, and it would be hard upon them to be made to suffer for that for which they were not themselves responsible. It was quite true what had been said that the Bill of this year was not the same as the Bill of last year in this respect, that the Bill of this year provided at first that £3 should be the maximum sum, according to the recommendation of the Royal Commission, that this was altered to £5 and then to £6 by the House of Commons. He should not be inclined to alter the decision of that House, to which the Government had very fairly yielded. He believed that the great majority of the people who insured belonged to the respectable class, who would wish to give a decent burial to their children. He was not prepared to express an opinion as to whether £6 was or was not too large a sum to permit parents to insure their children's lives for, but he was clear that £4 or £5 was not too large a sum.

EARL FORTESCUE pointed out that there was a greater amount of mortality among insured than uninsured children. That being the case, he thought the Amendment ought to be adopted.

On Question, That the words proposed to be left out stand part of the Question? Their Lordships divided:—Contents 37; Not-Contents 41: Majority 4.

An Amendment moved and negatived.



**Amendments made:** The Report thereof to be received on *Tuesday* next; and Bill to be *printed*, as amended. (No. 208.)

House adjourned at a quarter before Eight o'clock, till To-morrow, a quarter before Five o'clock.

## HOUSE OF COMMONS,

*Thursday, 15th July, 1875.*

**MINUTES.]—SUPPLY—considered in Committee—SUPPLEMENTARY ESTIMATES—CIVIL SERVICE ESTIMATES—CLASS 3.**

**PUBLIC BILLS—Second Reading—Canada Copy-right [246]; Metropolitan Board of Works (Loans) \* [237]; Chelsea Bridge \* [249]; Contagious Diseases (Animals) Act, 1869, Amendment \* [250]; Elementary Education Provisional Order Confirmation (London) \* [251].**

**Second Reading—Referred to Select Committee—Registration of Trade Marks [242].**

**Committee — Report — Public Works Loan (Money) \* [243]; Lunatic Asylums (Ireland) [189]; General Police and Improvement (Scotland) Provisional Order Confirmation \* [227]; Public Health (Scotland) Act, 1867, Amendment \* [230]; Entail Amendment (Scotland) (re-comm.) \* [248]; County Surveyors Superannuation (Ireland) \* [65].**

**Considered as amended—Pharmacy \* [215].**

**Third Reading—Drainage and Improvement of Lands (Ireland) Provisional Order \* [231]; Local Government Board (Ireland) Provisional Order Confirmation (No. 2) \* [232], and passed.**

## FACTORY AND WORKSHOP ACT COMMISSION—THE CANAL POPULATION.

### QUESTION.

**MR. PRICE** asked the Secretary of State for the Home Department, Whether it is true that the Royal Commissioners on the Factory and Workshop Acts have been inquiring into and taking evidence upon the condition of the Canal population in certain places; and, whether the general condition of this branch of the population has been referred to the Royal Commission as a special object of inquiry, or whether the inquiry has been merely a local one?

**MR. ASSHETON CROSS:** Sir, the general condition of this branch of the population was not referred to the Royal Commissioners on the Factory and Workshop Acts as a special subject of inquiry; but the Commissioners were directed to consider whether any provisions of the

Factory and Workshop Acts might properly be extended to other trades, industries, and occupations not included therein. The Commissioners having been informed that many women and children are employed in the management of canal boats, and that the children are receiving no education whatever, are endeavouring, in the course of their general inquiry, to obtain accurate information respecting the employment and position of these women and children.

## ARMY—THE JERSEY MILITIA.

### QUESTION.

**MR. PRICE** asked the Secretary of State for War, Whether his attention has been directed to a paragraph in "The Pall Mall Gazette" of the 10th instant, reporting the insubordinate behaviour of a portion of the St. Helier's Regiment of Jersey Militia when called up for drill on St. Clement's Sands on Wednesday afternoon; and, whether this Report is substantially true; and, if so, whether the circumstances will be made the subject of investigation?

**MR. GATHORNE HARDY:** Sir, I have had my attention called to this Report, and in consequence have called upon the Lieutenant Governor of Jersey for information respecting it, but up to the present time I have received no information.

## ARMY—THE PURCHASE SYSTEM.

### QUESTION.

**MR. STACPOOLE** asked the Secretary of State for War, If he would state to the House the number of officers who have died since the 31st October 1871 to the end of June 1875, and whose money has been lost to their families and retained by the Government; and, if he can state to what purpose that money has been applied?

**MR. GATHORNE HARDY:** Sir, on the abolition of Purchase, as I understand it, the House granted a certain sum of money to be appropriated to the officers who had purchased their commissions upon the same terms as they would have received under the system of Purchase. Under the Purchase system an officer dying lost the money which otherwise his representatives would have obtained, and the circumstances, therefore, remain entirely

unchanged, for the Army Purchase Commissioners are not entitled to pay any portion of the money in respect of commissions except in cases where the officer is living six weeks after his application. I believe that 183 officers have died between October 31, 1871, and the end of June, 1875, and of these 170 held saleable commissions. The outside regulation value of their commissions was £243,600; and this—or a smaller—sum of money, was lost to the families who would have been entitled to the money had the officers survived the six weeks. The money, however, has not been “retained by the Government.” It was not voted by Parliament, for it was calculated that a certain number of claims would lapse owing to the deaths of officers within the six weeks. In a few cases in which the officers have survived the six weeks their families have received the value of their commissions.

**TREASON-FELONY ACT—CASE OF  
PATRICK WALSH.—QUESTION.**

MR. O'CONNOR POWER asked the Chief Secretary for Ireland, If his attention has been called to the case of Patrick Walshe, who is imprisoned on a charge of having violated the condition of his pardon from the fulfilment of the sentence of fifteen years penal servitude, passed upon him at the Special Commission held in Limerick in 1867, for complicity in the Fenian insurrection, by having returned from America to this country in December last; and, if it is true that medical evidence has been given to the effect that Walshe's life would be endangered by residence in America or continued imprisonment; and, if so, whether the Executive has considered the advisability of ordering his release from custody?

SIR MICHAEL HICKS-BEACH: In 1867 Patrick Walshe was sentenced to 15 years' penal servitude for treason-felony, having led an armed attack upon a police barrack. In 1871 he was pardoned on condition of remaining out of Ireland for the remainder of his sentence, which will expire in 1883. He recently returned to Ireland, in open violation of the condition of his pardon, and took up his residence near his old house, in the very part of the country where he had committed the offence for which he was sentenced to penal servi-

tude. He was arrested, pleaded guilty, and was sentenced the other day at the Limerick Assizes. I have no official report of this last trial; but from a newspaper report it appears that medical evidence was then given that his health would be endangered if sent back to penal servitude or if he returned to America. I have received a telegram to-day to the effect that a memorial on his behalf has this morning reached Dublin Castle. It will, of course, be considered by the Executive, with every regard to the special circumstances of the alleged ill health; but I should say that the condition of his pardon was not that he should live in America, but that he should live out of Ireland, and if his health prevented him from continuing in America he might have changed his residence without returning to Ireland.

**IRELAND—CALLAN SCHOOLS—  
FATHER O'KEEFFE.—QUESTIONS.**

MR. ANDERSON asked the Chief Secretary for Ireland, If his attention has been called to a letter published in the “Hour” of the 13th, purporting to have been written by Father O'Keeffe to the Under Secretary, Dublin Castle, describing himself as a prisoner in his own house under the protection of six policemen, the mob holding forcible possession of his entrance gates, and admitting no friend or parishioner to visit him; and, whether such a letter has really been received, and what action has been taken, or is proposed to be taken, about it?

MR. HOLT had also given Notice to ask, with reference to the state of affairs in Callan. Whether it is true that, in Reply to Mr. O'Keeffe, the Lords Justices have informed him that it is open to him to take proceedings by way of information against the persons who have taken possession of his chapel; whether it is true that two justices of the Peace have refused to take such information; whether the taking of such an information is not a purely ministerial act; and, whether, if such a refusal has been given, he can satisfactorily explain or justify the conduct of the magistrates?

SIR MICHAEL HICKS-BEACH: Sir, I believe a letter similar to one which has appeared in the public Press has been addressed by Father O'Keeffe to the Government, and has been re-

*Mr. Gathorne Hardy*

ceived by the Under Secretary for Ireland. Perhaps I may also take this opportunity of answering the Question of my hon. Friend (Mr. Holt) on the same subject. There has been, I think, considerable exaggeration in the statements made by Father O'Keeffe. The House is aware of the unfortunate circumstances of the case and of the differences which have arisen among the inhabitants of Callan respecting Father O'Keeffe's position. There has recently been a demonstration against Father O'Keeffe on the part of those who have taken the opposite view to his own, and that demonstration culminated in a riot, for which some prisoners were indicted at the Kilkenny Assizes. The Constabulary have had instructions to do their utmost to preserve the peace and protect Father O'Keeffe from any violence on the part of his opponents. That is all the Government can do in the matter. The question really at issue is a question of disputed title, which must be tried in the ordinary Courts of Law. It is not the fact, as I am informed, that Justices of the Peace have refused to take any information laid by Father O'Keeffe; and I need hardly say that if any magistrates had failed in any degree in their duty their conduct might be brought in the ordinary way before the Lord Chancellor of Ireland.

#### NAVY—COMPETITIVE DESIGNS.

##### QUESTION.

CAPTAIN PIM asked the First Lord of the Admiralty, Whether, in view of the recorded official statements of the late Senior Sea Lord of the Admiralty (Sir Sidney Dacres), that he did not think "they (the ironclads) could cruise in company with safety;" of the Admiral lately in command of the Channel Fleet (Sir Thomas Symonds), that "they (the ironclads) are unable to save themselves under the commonest circumstances;" of the Admiral of the Fleet (Sir George Sartorius), that "they (the iron-clads) are equally unfit for the exigencies of coast or distant warfare, and for the blockading of an enemy's ports impracticable;" and, of the late Chief Constructor of the Navy, that he did "not see why an ironclad should not be just as efficient a sailing ship as the best of our wooden frigates," he will, before

laying down more ironclads of any of the present classes, especially those of the "Inflexible" type, to again solicit, as in 1859 and in 1867, competitive designs from the most eminent Naval architects, and refer such designs for examination to a Select Committee?

MR. HUNT: It would be almost impossible, within the proper limits of an answer on such an occasion as the present, to deal with so argumentative a Question as that of my hon. and gallant Friend. He has given certain quotations from the evidence put before the Committee on Designs of Ships of War; but they are scarcely intelligible without their context. In the case of the extract from the evidence of the late Chief Constructor of the Navy, the omission of certain qualifying words in previous answers makes a most important difference in the sense in which the evidence is to be understood. None of the competitive designs submitted to the Admiralty in 1859 and 1867 were adopted, and I do not propose to follow the course taken in those years.

#### METROPOLIS—THE PATENT MUSEUM AND NATIONAL PORTRAIT GALLERY.—QUESTIONS.

SIR HARCOURT JOHNSTONE asked the First Commissioner of Works, When arrangements will be made to allow the Patent Office Museum to occupy the South Block of the International Exhibition Buildings at South Kensington?

MR. BERESFORD HOPE asked the First Commissioner of Works, Whether he can state to the House the arrangements which the Government propose to make to increase the insufficient accommodation at present enjoyed by the National Portrait Gallery in the south block of the International Exhibition Buildings at South Kensington?

LORD HENRY LENNOX: I am happy to say I have been authorized by Her Majesty's Government to enter into negotiations with the Commissioners of the Exhibition of 1881, with a view to acquire part of the buildings belonging to them at South Kensington. I fear I cannot, at this time, gratify my hon. Friend the Member for Cambridge University by giving him in detail the manner in which the space so obtained



will be allotted. But I may say generally that my first object will be to provide suitable accommodation for the Patent Museum; and after that is arranged, I am not without hope that I may be able to offer to my hon. Friend suitable accommodation for that national collection of pictures of which my hon. Friend is a distinguished trustee.

#### METROPOLIS—TEMPLE BAR.

##### QUESTION.

MR. GOURLEY (for Mr. WHITWELL) asked the honourable and gallant Baronet the Member for Truro, Whether he is able to announce to the House, that by the co-operation of the Corporation of London, there is any chance of the removal of Temple Bar from its present position?

SIR JAMES HOGG, in reply, said, that although Temple Bar marked the limit of the jurisdiction between the City of London and the Metropolitan Board of Works, it was entirely under the control of the Corporation of the City of London, the Board of Works having no authority over it. He believed the City had appointed a committee to inquire what was best to be done with that ancient monument. He might add that there had been a proposition from the City of London about certain improvements in that locality. That proposition was under the consideration of the Metropolitan Board; but he was not, as yet, prepared to state the result of their deliberations.

#### BOARD OF TRADE—DUTIES AND SALARY OF THE SURVEYOR OF WORKS.—QUESTION.

MR. LOWE asked the First Commissioner of Works, Whether he has had an opportunity of inquiring into the charges recently brought against Mr. Hunt, the Surveyor of Works in his Department?

LORD HENRY LENNOX: The House, I am sure, will feel that it is never my wish in answering the not unfrequent Questions put to me that my replies should be of undue length. But I hope the House will bear with me—seeing that there are personal charges affecting the character of a public servant—if for obvious reasons I enter into details with

respect to those charges made a fortnight ago by the hon. Member for Swansea (Mr. Dillwyn) against the Surveyor of Works. The first of those charges was that Mr. Hunt had, in his capacity of Surveyor of Works, recommended me to buy at Liverpool a site for a County Court; that the space required was 2,000 square yards, but that he had recommended me to buy a site of 3,600 square yards, in order that I might be enabled to sell it again; so that the Surveyor of Works would first of all receive his fee for the purchase of this land, and secondly, his fee for selling it. It is strange, seeing how well informed the hon. Member was as to the quantity of land required at Liverpool, that nothing could be more erroneous than his conclusions. The reasons which influenced me in the purchase of the ground were these:—In the first place, seeing it was doubtful how much land would be required until we had the Report of the Judicature Commission, and having been informed that an available site could be obtained, I decided on buying the whole of it. I did so likewise because in case there was more space than requisite I thought it advisable the Government should have a control over any buildings which might ultimately be built so near Government offices. And, lastly, because the land in that part of Liverpool was rising in price, so that the Government would be insured against any ultimate loss. The House will see at once that there is a wide difference between buying land in order to sell it at a profit, and buying land for public objects with the conviction that if you wish to part with it you will be able to do so without loss. Nor was my hon. Friend the Member for Swansea more fortunate in the selection of the second part of his attack. He said that, on the purchase of the ground near Westminster Bridge—now rendered of historical importance by its having been built on by the body known as St. Stephen's Club—the transaction was one between the Office of Works and the Metropolitan District Railway, and that Mr. Hunt, who was in the employment of both, disappeared from the transaction, and thus the Government lost the great advantage of his services. I am sorry to tell my hon. Friend that he is entirely in error. This transaction occurred in 1866, and at that

*Lord Henry Lennox*

time it was no part of the Surveyor of Works' duty to give any opinion upon questions of compensation for property taken as this was, under Act of Parliament. That duty rested with the late Sir James Pennethorne, who did give his advice on the subject. The hon. Gentleman said that the result was to give great dissatisfaction to both parties; but it was quite the contrary, and the money was paid without any evidence being taken or any arbitration. The third charge was with regard to the Mint site. Some years ago, according to the hon. Gentleman, Mr. Hunt recommended the purchase of a site on the Embankment, and he did so because it belonged partly to the Government and partly to the Metropolitan District Railway, so that he would receive fees from both. Unfortunately for the hon. Gentleman, here also he was mistaken. Mr. Hunt thought it his duty to give his services to the senior client of the two. On this particular occasion the Bill was thrown out; but it was re-introduced in the following year. By that time the land passed from the District Railway into the hands of the Metropolitan Board of Works. The House will see that on neither occasion could Mr. Hunt receive the double fees alluded to by the hon. Member for Swansea. Mr. Hunt has sent a letter to the Board of Works requesting that an inquiry might be made into these various charges; but I think the House will agree with me when I say that I shall refuse to listen to such a proposal, having satisfied myself in every case that the charges are of the most flimsy character.

MR. DILLWYN wished to explain, in justice to himself, that he had not imputed motives to Mr. Hunt, in any case, but merely stated the facts which had come to his knowledge, and he still believed they were substantially correct.

#### THE CIVIL SERVICE—APPOINTMENTS BY THE POSTMASTER GENERAL. QUESTION.

MR. LOWE asked the Secretary to the Treasury, If he will explain to the House how it has happened that since the passing of the Act 36 Vic. c. 23, many persons have been appointed by the Postmaster General to situations in his office without a certificate from the

Civil Service Commissioners, or if such persons were appointed before that Act, why it has become necessary to introduce another Bill on the subject; and, whether he will lay upon the Table before proceeding with the Bill, a statement showing the names, ages, nature, and date of first appointments, and nature and salaries of appointments now held by the persons to whom the Bill is intended to apply?

MR. W. H. SMITH: Sir, the Act 36 Vic. c. 23, was passed to remedy the absence of Civil Service Certificates in the case of persons appointed to situations in the public service between the year 1859 and the 4th of June, 1870. In all the cases dealt with under the Act—a list of which will be found in Parliamentary Paper 49 of 1874—the omission to procure a certificate was due to accident or inadvertence. The mischief which the present Bill is intended to cure is of a different kind, and arises as follows:—When the telegraphs were taken over by the State it became necessary to arrange a scheme of admission to the new service. There was, however, considerable delay in doing this, as the question was a difficult one and the pressure of other business was great, and it was not until September, 1874, that a settlement was made. Most of the correspondence will be found in the Appendix to the Report of the Controller and Auditor General on the Appropriation Account for 1872-73. In the interval it was necessary to keep the service recruited, and appointments were made by the Postmaster General without the intervention of the Civil Service Commissioners. These are the appointments the Bill is intended to validate. Their number is about 5,000; but I fear it would be impossible to give accurately all the particulars mentioned by the right hon. Gentleman during the present Session. Such a Return would take a long time to prepare, as the persons concerned are scattered all over the United Kingdom. The Bill, however, provides that the names of all the persons affected by it shall eventually be laid before Parliament. A Schedule of the names of persons appointed to offices on the London establishment is being prepared, and could be laid on the Table in the course of a few days.



MERCHANT SHIPPING ACTS—UNSEAWORTHY SHIPS—THE "DARENT."

QUESTION.

MR. PLIMSOLL asked the President of the Board of Trade, Whether it is the fact that the "Darent" sailed from North Shields recently for Palermo with deficient freeboard, and also list upon her, her freeboard being eight inches only on the starboard side, and three feet one inch on the port side; and, whether any officers are stationed at the ports on the Tyne and the Wear and the Tees competent to act on their own discretion in stopping vessels in a dangerous condition?

SIR CHARLES ADDERLEY: Sir, the *Darent* was reported to have been ready to leave the port of North Shields with freeboard and list of the amount stated in the Question. Whether she went to sea with the list unadjusted I cannot say. To stop a steamship on the score of list alone is hazardous, as the list is frequently adjusted at the last moment. It is quite possible that the adjustment of list may correct an otherwise deficient freeboard. In my opinion the Act of Parliament does not empower the Board of Trade to delegate to an officer stationed at the port authority to stop a ship.

MERCHANT SHIPPING ACTS—UNSEAWORTHY SHIPS—THE "ESTELLA."

QUESTION.

MR. PLIMSOLL asked the President of the Board of Trade, Whether it is true that the owner of a merchant steamer, which was ordered to be detained as unseaworthy, overloaded, and in a condition dangerous to human life, defied the officers of the Government; and whether, when a Custom House officer was put on board to enforce her detention, he was not forcibly carried to sea to a Russian port; and, if these facts are as stated, what means the Government mean to take to strengthen and enforce their authority?

SIR CHARLES ADDERLEY: It is true, Sir, that the master of the *Estella*, which was ordered to be detained for survey as overloaded, carried to sea the officer who was placed on board by the Customs for the purpose of detaining her. [*Laughter.*] I cannot see any cause for laughter—I think it a most

serious matter. The master has been convicted under the Act of 1873 for preventing the survey, and it appears that the Court considered there were special reasons for inflicting a light penalty—£5 and costs. But I am in communication with the Customs on the question whether further proceedings should not be taken to punish the very grave offence of carrying to sea a Government officer placed on board by lawful authority for the purpose of detaining a ship.

METROPOLIS—THE DOGS' HOME.

QUESTION.

MR. STACPOOLE asked the Secretary of State for the Home Department, Whether it is a fact that under the Metropolis Local Management Act the owner of a dog taken or decoyed to a certain "dogs' home," and sold after three days, has no legal status against the purchaser; whether it is with the sanction of Government that the police are the principal recruiting officers for this dogs' home; and whether the constables receive any part of the £600 or £800 per annum realized by the sale of dogs captured through their agency?

MR. ASSHETON CROSS, in reply, said, that under the Metropolis Police Act of 1867 stray dogs were seized by the police, and were taken to the police station, where the inspector on duty obtained a description for circulation. The dogs were then sent to the home for lost and stray dogs at Battersea, where they were kept three clear days as required by law, and then destroyed or otherwise disposed of. When a dog was disposed of after the lapse of time allowed by law the owner had, he believed, no legal status against the seizure. All dogs who had collars with addresses on were returned to their owners by the police. The police did not recruit for the Dogs' Home, and seizing stray dogs was a very unpleasant and dangerous duty—in which the police very often came out the greater sufferers of the two. The police were strictly forbidden to accept any reward or gratuity whatever for finding or restoring such dogs.

THE SEYYID OF ZANZIBAR—  
TREATY OF 1873.—QUESTION.

SIR JOHN KENNAWAY asked the Under Secretary of State for Foreign Affairs, Whether any communications



have lately passed between Her Majesty's Government and His Highness the Sultan of Zanzibar, with respect to the suppression of the Slave Trade within his dominions; and, if so, whether he has any objection to communicate the substance of them to the House?

MR. BOURKE, in reply, said, that communications had passed between Her Majesty's Government and the Seyyid of Zanzibar since he had been in this country. The House was aware that, under the Treaty of 1873, certain doubts had arisen which the Law Officers of both Her Majesty's present and late Government considered would impair the efficiency of the Treaty. Another Treaty had been signed by the Sultan since he had been in this country; and he (Mr. Bourke) trusted that the result of that would be that the object of the Treaty of 1873 would now be carried out in its full force. There would be no objection to lay the Treaty before the House in a few days as soon as necessary formalities had been gone through.

#### ARMY—PROMOTION IN CAVALRY REGIMENTS.—QUESTION.

MR. HAYTER asked the Secretary of State for War, Whether he will take any steps to secure a proper flow of promotion in those regiments of cavalry and battalions of infantry which are commanded by officers appointed prior to November, 1871, and not subject to the five years rule; and, whether such cases will come under the consideration of the Royal Commission now sitting upon Army Promotion?

MR. GATHORNE HARDY, in reply, said, that the whole question of promotion and retirement in the Army had been referred to the Commission now sitting on the subject; and he thought it would be disrespectful to them if he interfered in the matter before they had made their Report.

#### ARMY—THE AUXILIARY FORCES AT ALDERSHOT.—QUESTION.

MR. HAYTER asked the Secretary of State for War, If he will state to the House the grounds which have induced him to dispense for the first time with the services of the Militia, Yeomanry, and Volunteer Force at the summer drills held in substitution of the autumn manoeuvres during the present year in

the neighbourhood of Aldershot, from the 24th of June to the 24th of July; and, whether such exclusion had been dictated solely by regard for the public purse, or by any considerations touching the efficiency as military bodies of these different branches of the Auxiliary Forces?

MR. GATHORNE HARDY, in reply, said, the reason why the Militia had not gone to Aldershot on the present occasion was that a great number of the Commanding Officers had reported that encamping at Aldershot was very unpopular with Militia Regiments, and would lead to desertion. With respect to the Volunteers and Yeomanry it was thought better that they should be attached to brigades at Aldershot when the summer drills were not taking place.

#### UNWORKED OYSTER BEDS (IRELAND).

##### QUESTION.

MR. O'CLERY asked the Chief Secretary for Ireland, If the Inspectors of Irish Fisheries have taken steps to ascertain whether there exists off the south-east coast of Ireland the unworked oyster beds to which attention was called last Session, and which are referred to in the 7th page of the Report for 1874, just issued; and, if he will be good enough to state the result of the investigations that may have been made?

SIR MICHAEL HICKS - BEACH: Sir, the Inspectors of the Irish Fisheries have taken steps to investigate the subject of the alleged existence of unworked oyster beds off the South East Coast of Ireland, and the services of Her Majesty's gunboat *Goshawk* were granted by the Government for the purpose. A series of experiments have been made but without success up to the present time, so far as regards the South East Coast of Ireland.

#### ORDERS OF THE DAY.

*Ordered*, That the Orders of the Day subsequent to the Committee of Supply be postponed until after the Notice of Motion relating to the Representation of the People.—(*Mr. Disraeli*.)

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

VISIT OF H.R.H. THE PRINCE OF WALES  
TO INDIA.—RESOLUTION.

MR. FAWCETT, in rising to move—

"That, in the opinion of this House, it is inexpedient that any part of the expenses of the personal entertainment of His Royal Highness the Prince of Wales, on the occasion of his proposed visit to India, should be charged on the revenues of India,"

said, he believed it would be admitted by Members of the most opposite opinions that the statement made this day week by the Prime Minister would have been received with more cordial acceptance if none of the three items to which he referred had been thrown on the finances of India. He was aware that the hon. Member for Kirkcaldy (Sir George Campbell) had said it was not unjust to the people of India, and that the item of £30,000, which, as the Prime Minister had stated, was associated with the rites of hospitality, ought to be borne by the revenues of India. He, however, ventured to submit that the present was a case in which they were bound to consider not so much the justice as the expediency of such a course. If the right hon. Gentleman had not particularly alluded to this item there would not have been occasion to refer to it now. But when it was remembered that this item only represented a small portion of the expenses which would fall upon India, and which would be incurred for movements of troops and other matters in connection with the visit of the Prince of Wales, and, taking these matters into consideration, he could not help thinking the right hon. Gentleman made direct allusion to the item in order that the House might have the opportunity of expressing their opinion that with regard to the visit of the Prince of Wales they were anxious to deal generously in reference to the people of India, and were prepared not to burden her finances with a shilling more than was necessary. In speaking on this subject it was almost impossible to dissociate the present from the past, and he thought no one who had paid any attention to Indian finance could help arriving at this conclusion—that in our financial transactions with India we had displayed a spirit of parsimony which was not creditable to a wealthy nation. He ventured to say there was not an Englishman who was not heartily ashamed that

when we entertained an Egyptian Potentate we threw the cost of that entertainment on the heavily-burdened people of India; and he believed there was not a Member of that House—there was not a person in the country, whether belonging to the working classes or not—who did not now heartily regret that for the saving of some paltry £12,000 to the English Exchequer, we actually threw the burden of the travelling expenses of the companions of the Duke of Edinburgh, and the cost of his presents when he visited India, upon the people of that country. If this was the fitting occasion he might refer to graver instances which would prove that that House ought to lose no opportunity for making amends for the past. He could prove that in regard to many financial transactions of great amounts we unjustly cast burdens upon India, we threw a heavy restraint on her crippled finances, and caused unnecessary and vexatious taxation to be imposed on that country. Lord Northbrook, who was the present Viceroy, the Duke of Argyll, the former Secretary of State, and the present Secretary of State (the Marquess of Salisbury) had, with a courage which did them the highest honour, denounced the injustice with which England had often treated India with regard to her financial interests. He had never been one of those who thought it would be advantageous to the people of India that the House of Commons should constantly be meddling with the details of Indian administration; but there was one service, and that of priceless value, which the House could render to that country, which was to become the guardian and protector of her financial interests. Lord Salisbury, in memorable words which should never be forgotten, said last Session that if the House of Commons would keep a sharp eye upon Indian finance there would be no danger that the people of that country would be oppressed. One consideration which induced him to propose the Resolution was that some hon. Friends near him were about to oppose the grant, and he thought it important to deprive anyone of the objection that there was anxiety to save English money at the expense of India. It would be presumptuous in him to say what was likely to be the direct result of the visit of the Prince of Wales to India; but he ventured to assert, with no little confidence, that great indirect

advantage would result from that visit if the House of Commons and the English nation should avail themselves of an opportunity of proving to the people of India that what had happened in the past would not recur in the future, and that henceforth they would be anxious in their dealings with India, not only to avoid injustice, but, if possible, to display a spirit of generous magnanimity. He begged, in conclusion, to move the Resolution of which he had given Notice.

**MR. HANKEY:** Sir, I rise to second the Motion, and I do so because I think this is a fitting opportunity for us to join in expressing opinions in consonance with those which have been expressed by the hon. Member for Hackney. We ought on all occasions to avoid being parties in any way to easing ourselves of any expenditure by throwing it unnecessarily upon the revenues of India. The question proposed to us by the Prime Minister a few days ago was, that this House should consider the expenditure for the visit of the Prince of Wales as one of an abnormal character, and one which required interference on the part of this House. What was the proposal which was made to us? The Prime Minister, as far as I understood, gave us a sort of estimate of the possible expenditure which might be required, and I think he said that, after making provision for the cost of sending out his Royal Highness and his suite to India and bringing them back, there would still be an outlay required of something like £90,000. To meet that he said he should propose a grant of £60,000, and that the remainder would be left to be found in India. Now, I think that the speech of the Prime Minister the other night certainly did show good grounds for the interference of this House on such an occasion, and that we, as Representatives of the taxpayers of England, were fully justified in supporting the Government in their proposal to make this special grant. But, if the expenditure of £90,000 is necessary, why should an application be made for only £60,000? I contend there was no ground given to us for making that distinction in regard to any portion of the expenditure. The hon. Member for Hackney has alluded to other very great expenses which undoubtedly must be incurred, and knowing that perfectly well, I hesitated at acceding to his re-

quest to second his proposal. It will be impossible for us to measure in a money Vote the expenses which must be incurred. But this particular expenditure of £90,000 was one to which no objection, as far as I could understand, was taken by the House, except by some hon. Members who objected to pay a shilling, and thought it unwise that any expense should be incurred. We all know that the Secretary of State for India is responsible for the political affairs and the policy of this country towards India; but we heard a great deal at the time of the passing the India Councils Bill, that the purse-strings would be controlled by the Council of India. I very much regret that the Members of that Council are prohibited from being Members of this House, because we have no opportunity of hearing their opinions on this subject. If they are the controllers of the purse-strings, they have not properly looked after their trust. The hon. Member for Hackney has alluded to the expenditure for the entertainment of the Sultan, and thinking that was a discredit at the time, I asked the House to refuse to pay it, but I had no support. Another charge has been alluded to, and that is the payment of £1,555 to an officer on the staff of the Duke of Edinburgh for bringing home the presents made to the Duke of Edinburgh in India. Now, I do not think that was fair, and I should be surprised if any hon. Member was to get up and defend it. If the Duke of Edinburgh was able to pay the money, he ought to have paid it for himself; and if it was a national charge, it ought to have been borne by the revenues of this country. Then there was a distinguished officer—Sir Herbert Edwards—who died in this country from injuries received in the Indian Mutiny. We all remember how proud the country was of that distinguished officer's services, and a monument was placed to his memory in Westminster Abbey. I find that a fee of £400 was paid to the Dean and Chapter of Westminster for allowing the monument to be put up, and that was charged to the revenue of India. That sum, in my opinion, ought to have been borne by this country. Sir Herbert Edwards was a very distinguished officer, and the country was proud of him, and the cost of the monument in Westminster Abbey ought to have been borne by



this country, and not by India. Care ought always to be taken not to saddle India with more than was absolutely necessary. As regards the Prince of Wales, I think the House will admit that a more popular Prince has never been born, and he has been popular from his earliest youth, because he has taken up every pursuit which the people of this country are fond of, and he is consequently much beloved and esteemed. Therefore, what I should like would be to see the Prince of Wales equally popular in India; but it would not add to his popularity in that country if any charge in connection with the visit which could fairly be borne by England was put upon the revenues of India. If the Prime Minister, instead of asking for £60,000, had asked for £100,000, there would not have been a single dissentient voice, except from those who object to any grant at all. I am extremely sorry there should be any division of opinion with regard to the Motion, and I think it will be the wiser course to leave the matter in the hands of the Government for their consideration.

*Amendment proposed,*

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, it is inexpedient that any part of the expenses of the personal entertainment of His Royal Highness the Prince of Wales, on the occasion of his proposed visit to India, should be charged on the revenues of India,"—(*Mr. Fawcett*.)

—instead thereof.

**Mr. DISRAELI:** Mr. Speaker, there are two modes in which His Royal Highness the Prince of Wales may visit India. He may go as the proclaimed Representative of the Sovereign; his journey then would be a Royal progress; he would be attended with a military array, and with a retinue of Princes and Chieftains; he would hold Durbars; he might if he chose, and probably would be expected to, institute an Order of Chivalry; he would pay regal visits to those who possess regal power; he would not only experience, but he would exercise, a magnificent hospitality; he would not only be present at feasts, but he would preside at festivals; he would exchange the presents of Europe for those of Ormus and Ind; and I have no doubt that, on the whole, a display would be made and an excitement created which had not been equalled in India

since the days of the great Mogul Sovereigns. It must be obvious to the House that such an undertaking could not but be costly. Its amount might probably be calculated even by millions, and it would be met probably in this manner. The Imperial Treasury of India would contribute, no doubt, a considerable sum. The Native Princes, who will not for a moment rank inferior to any human beings in magnificence, and who would have made extraordinary efforts on this occasion, would levy fresh taxes on their subjects. I am bound to admit that in the present state of the English revenues my right hon. Friend the Chancellor of the Exchequer could hardly come forward to ask for £1,000,000 or £500,000 even—the sum most modestly suggested by those who seem in favour of this system—without at the same time indicating to the House the ways and means by which that money was to be raised.

There is another way in which His Royal Highness might visit India. He might go there as the guest of Her Majesty's Viceroy. Under his Excellency's guidance and influence he might have an admirable opportunity of largely, if not completely, visiting that great peninsula; becoming acquainted with its splendid scenery, with its ancient and teeming cities, and the vast variety of its nations and its races. He would visit some of the principal Chieftains of the land; enjoy their hospitality; share in their exciting pastimes; and have an opportunity of displaying that liberality which I and you all know is natural to his amiable and generous disposition. After that he would return to this country unquestionably with an enlarged and matured experience, and, let us hope and believe, not only with a sustained, but a renovated health.

Now, I will not stop here to offer any preference between these two systems. All I wish to state, and most distinctly to state, and which I wish to impress upon the House, is this—that when the visit to India of His Royal Highness was submitted to Her Majesty's Ministers the programme was the second programme which I have described; and it was with reference to that programme that Her Majesty's Government arrived at the conclusions which they have submitted to the House, and made their calculations and esti-

mates accordingly. Now, we are told that the view which I gave to the House was one which would not be the right one to adopt. I offered to the House an accurate estimate of what the expenses would be for carrying His Royal Highness and suite to the land of India. I offered no estimate of what the expenses in India would be of his entertainment by the Viceroy. It was not in my power to do so, and it would have been presumptuous and impertinent for us to have offered an estimate on such a subject. But I mentioned incidentally a sum which casually had reached my ear, and which was founded upon documentary evidence—now, I believe, in our library—in the possession, of course, of every hon. Gentleman. The hon. Member for Hackney (Mr. Fawcett), who has introduced this Motion to-night, has spoken of it as if there was an abstract reason why India should not in any way contribute to the expenses of a Royal visit from England. But I must say that on abstract grounds I do not agree with my hon. Friend. I do not think there is any principle on which he can establish his conclusion. It, in fact, rests only upon a basis of sentiment; but a basis of sentiment, in my opinion, not at all advantageous to India, and by no means calculated to increase its self-respect. I know no reason whatever why India should not contribute on an occasion like the present to the expense which may be incurred. Why, the Dominion of Canada—a country the difference of which, as compared with India, both as to wealth and population, need hardly be dwelt upon—Canada largely contributed to the expense of His Royal Highness when he visited that Dominion. I believe a sum of not less than £40,000 was cheerfully contributed by the people of Canada on that occasion, and they were proud of that contribution. I do not know any reason why India should not contribute towards the fulfilment of this event. The Prince is the Prince of India as well as of England, and why should we draw this distinction—and one I think not agreeable to the inhabitants of India themselves—whenever occasions like the present occur. I really think—although I am not on this occasion anxious to bring forward the wrongs of the British taxpayer—I really think the time has come when we should, on an occasion like the present, get rid of

this unfounded sentimentalism, and not lay it down as a principle that the British taxpayers should alone be the persons who should contribute to public duties, which I believe, on the whole, are always cheerfully fulfilled. The hon. Gentleman who seconded the Motion (Mr. Hankey) seemed to think this was an attempt on the part of Her Majesty's Government to diminish the expenditure of the Empire, and that, in fact, the Indian Council had never been consulted on the subject. And he seemed to think that it was only owing to the Parliamentary decisions which prevents the Members of that Council being in this House that we have not an indignant protest against this conclusion. I think the hon. Gentleman will be surprised when I tell him that at a meeting of the Council of India, held on Tuesday the 16th of March, 1875—the Marquess of Salisbury presiding—the noble Marquess informed the Council of the intention of His Royal Highness the Prince of Wales to visit India, and it was resolved—

“That the charges in connection with the proposed visit of His Royal Highness be borne by the revenue of India.”

Therefore, it was evidently the case that the Council were acquainted with the matter. But the Council, on Tuesday, the 27th of April, more than one month afterwards, met, and a question having been asked by Sir Frederick Halliday, as to the interpretation to be placed on the Council Resolution of the 16th of March, with regard to the expenditure on the occasion of the visit of the Prince of Wales to India, it was resolved—

“That the Resolution above referred to is not to be understood as pledging the Council to any expenditure on this account, beyond that which may be incurred on the soil of India.”

That must satisfy the hon. Gentleman that the Council of India were perfectly aware of the arrangement proposed, if they did not, indeed, originate it. With regard to the illustration dwelt upon by the hon. Member for Hackney and the hon. Member for Peterborough as to the visit of the Sultan, I do not think it is a felicitous one. Then it was objected that the country which entertained the Sultan did not pay for that expenditure. But the case of India is the reverse. We are discussing whether India should provide a portion of the expenditure for the Prince's entertainment in



India, and therefore the cases are exactly the reverse. I will call attention to the Report of the East India Finance Committee of 1874, on which the hon. Members have founded themselves. The Committee state—

"Your Committee cannot lay down too strongly the position that the English Estimates ought not to be relieved at the expense of the Indian revenue, but that the Secretary of State for India in Council has the constitutional right of refusing to pay for objects in which he considered that India has no interest. At the same time India, as a component part of the Empire, must be prepared to share in the cost of a system the expense of which may be enhanced for Imperial purposes."

That principle is perfectly sound, and instead of the fact being, as the hon. Member for Peterborough supposes, that we are calling upon India to supply a deficit in our own resources, the truth is that all the arrangements were made in India by the Indian authorities before we had either the power or the opportunity of clearly seeing what it was our duty to recommend to the House. It happened in this way. It was made known to us that the Prince of Wales wished to visit India if the assent of Her Majesty could be obtained, and that it was intended to make no charge on the Exchequer of Great Britain, as the revenues of India would discharge the whole cost of the visit. That being the case, we had to consider the circumstances of the proposed arrangement. We believed ourselves—and it was also the opinion of the Viceroy—that the visit of of His Royal Highness might be productive of much advantage; everyone must feel that the visit of the Prince of Wales to the proudest Dominion of the Queen of Great Britain must be productive of results and influences of a beneficial character. We had no Estimate ever offered to us by the Indian Government of what the cost of entertaining the Prince would be, and it was not our business to present such an estimate; but we took the first opportunity which occurred of expressing our opinion that it would be well that the expenditure in India should be confined to the rites of hospitality; and that it would be our duty to propose to Parliament a sum which we believed would enable the Prince, among other sources of expenditure, to act in a manner becoming his station, and in accordance with his

generous disposition. We took the advice of men of the greatest experience and intelligence upon these matters; and upon their advice we offered the estimate to the House, which I hope, in a short time, will be placed in the hands of the Chairman. I do not know that we could have acted in a manner more prudent or more proper than in taking the course we have adopted. We believe that the advice we have given the House upon this subject, and the proposals which we have made, are adequate and proper. We believe that they will fulfil their purpose. It is not our intention—nor was it ever our intention—to propose that a regal progress should be made in India, as I stated when I first addressed the House. I desired to explain to the House—fully, completely, and accurately—what was the proposal that was submitted for our consideration. It was a visit to India such as I have described under the second head at the commencement of my observations, which was submitted for the consideration of Her Majesty's Government. We considered that proposal with reference to all the needs and requirements of which it is susceptible. We have submitted to the House two estimates which fall within our duty. We have informed the House that, with regard to the expenditure in India, it will be borne by the Indian revenue; and we trust the House will sanction the course which we have recommended. As regards the Resolution of the hon. Gentleman (Mr. Fawcett), I oppose it upon abstract principles, and I oppose it upon particular policy. I think it is one not agreeable or advantageous to India. I think it unjust in a financial point of view. I think it highly desirable that every part of Her Majesty's dominions, when so placed with reference to the illustrious individual whose future progress we are now discussing, should act as Canada has acted, and as other portions of Her Majesty's dominions have acted, and, therefore I call upon the House to support Her Majesty's Government in the proposals which we have made. They are proposals which were well considered. They are proposals which are made with a real knowledge of the necessities of the case. I call upon the House not to confuse their judgment and their purpose by contemplating results which never were anti-

*Mr. Disraeli*



pated, and a course which it would be most impolitic and ruinous to pursue. The Prince's visit to India will be an event highly advantageous, in my mind, to India, to himself, and to the United Kingdom. It can be fulfilled, and will be fulfilled, with adequate lustre and liberality, if the course recommended by Her Majesty's Government is pursued, and with confidence I call upon the House to adopt it.

MR. GLADSTONE: Sir, the right hon. Gentleman and Her Majesty's Government, in opposing the Motion which has been made and seconded by my hon. Friends, are espousing a cause which may, perhaps, be considered unpopular. Undoubtedly my hon. Friend the Member for Hackney founds himself upon sentiment, which is respectable in itself, respectable for the character of those who have recommended to us this Motion, and respectable for its association with some of our recollections of the history of India that, perhaps, are not so entirely honourable to this country as we could wish; and a vague idea that something should be done to make up for the wrongs of past times has probably, without their being conscious of it, formed in the minds of my hon. Friends, and is at the root of the feeling that India ought to make no contribution to the expenses of the visit of the Prince of Wales. Now, Sir, believing that the arguments of the right hon. Gentleman are manly and judicious, I am willing and desirous of taking my own share—whatever it may be, and small as it may be—in any unpopularity attaching to his proposal. I am convinced the right hon. Gentleman would have fallen distinctly into error on the question now before us if he had taken any other course. With respect to this Vote in general, I am bound to say that I accept it on the responsibility of Her Majesty's Government as to its amount. It is Her Majesty's Government alone, in my opinion, that have had adequate means of judging of what would be the necessary expense. It belongs to Her Majesty's Government to ask Parliament for a sum which they think adequate. If we thought the demand extravagant, it might have been our duty on that account to object to it; but no one is disposed, I think, to found any objection to the Vote on such a ground as that, viewing all the circumstances of the case.

But as respects the question now before us, which involves a matter of policy, my hon. Friends are entirely in the right in stating their opinion—if they entertain that opinion—that the finances of India should be subjected to no charge whatever with respect to the approaching visit of the Prince. But will that opinion bear examination? The right hon. Gentleman has stated the case of Canada. Canada has a large and popular representation. [*Cheers.*] It appears to be thought, from that cheer, that because India has not a large and popular representation, therefore India ought not to be placed in the case in which Canada was placed. Is that the meaning of the cheer? [*Cheers.*] Well, then, Sir, I must beg to tell those hon. Gentlemen who cheer that if that is the principle and ground on which they cheer, they must be prepared to give effect to that cheer in a very different mode and on a very different scale, and on much graver occasions than the present. For if India ought not to be charged because she has not popular representation in matters where Canada charges herself, I think the millions of which the right hon. Gentleman has significantly spoken will hardly enable those generous legislators adequately to fix the balance between the two countries unless, indeed, they are consistently prepared to apply the sentiments they seem to entertain. But India has representation—the best representation we can give her; not representation in a formal or strict sense; but, at all events, India has in this country a body of gentlemen appointed for the special purpose of defending Indian interests, and particularly for the purpose of protecting Indian financial interests. That is the special purpose for which the Indian Council exists, and the right hon. Gentleman has to-night given us the interesting information that the Council of India—which all who had had any practical experience of Indian affairs know to be the vigilant guardians of Indian interests—has considered the subject, dealt with it, and expressed its opinion that, with respect to the expenses on the Government of India, some charge should be properly made on the finances of that country. But is it the amount or proportion of the charge that is thought unreasonable? As far as the figures which the right hon. Gentleman

has given, he has told us that two sums, amounting together to £112,000, are proposed to be borne by the people of this country, and he has told us that about £30,000 is the probable amount of the charge to be imposed upon the finances of India. It will be agreed, I think, that, if any charge is to be imposed, the proportion is not excessive. Now, I venture to add something to what was said by the right hon. Gentleman on the proportion observed in the case of Canada. I was myself, I believe, Chancellor of the Exchequer at the period, and, unless I am much mistaken, the amount borne by this country in respect of the visit of the Prince of Wales to Canada was £16,000, while the amount borne by Canada in the first year was £40,000 to which is to be added a sum, voted in the following year, of £12,000 or £13,000, making £53,000 voted by Canada as compared with £16,000 provided by England. Now, viewing the relation in the case of Canada, established by the free-will of the people of Canada, and considering that we perforce have to act on the part of the people of India, can it be said that the conduct of the right hon. Gentleman has been ungenerous so far as regards the financial interests of India? I must also point out that considerable difficulty might arise, not merely on the matter of amount, but on a matter of principle—namely, whether the House of Commons is prepared to vote the money of the people of England and to hand it over to persons holding office in India or to the Indian Council, to be expended with no responsibility to us and with responsibility to the Indian authorities alone. I only, however, glance at that in passing. But now I ask what really lies at the root of this objection? It comes to this—Have the people of India an interest in this visit or not; and will it tend to promote the interest of India? [Mr. BIGGAR: No.] The hon. Gentleman says "No," and no doubt he is prepared with adequate copiousness to support that opinion. But this I say—that unless our presence in India is beneficial to the people of India we have no business there at all. If our presence in India is beneficial to the people of India, then an arrangement like this, which we think to be advantageous to both countries, is one in which the people of India have a real,

legitimate, and general interest; and if they have such an interest in the visit of the Prince of Wales there can be no ground, when we examine the matter in the light of reason, for saying that they ought not to be called upon to bear any part of the expenses. I wish with regard to this Vote to say that we have now had from the right hon. Gentleman, even more specifically than on the former occasions, a frank assumption of the responsibility of Her Majesty's Government. It belongs to the Government to make this proposal, and to exercise every legitimate control in regard to the expedition. It belongs to the Government to see that the arrangements of the expedition are such, and that all the measures to be taken for giving it effect are such, as shall be most conducive to the attainment of the purposes it has in view, and most for the credit and honour of the connection between this country and India. But, leaving upon the Government the responsibility, I readily accede to the proposal that they make with respect to the question now before us. I am sure we should commit a serious error, and should, in fact, be hardly aware of the dangerous nature of the principles we were adopting, perhaps in disguise, if, because we think that India ought to be generously treated, we were to push a sentiment, laudable in itself, beyond the bounds of reason and justice, and to adopt as a doctrine the somewhat vague idea that India should not be called upon to pay any share of expenditure for purposes evidently very beneficial to herself, and for purposes which in other and analogous cases have been acknowledged by the free voice of popular Legislatures as perfectly fit and proper to be borne, even in a much larger measure, by the people of those countries whom the Heir Apparent to the British Throne may have been advised or may have thought proper to visit.

Mr. HORSMAN said, he was glad that, before going into Committee, a discussion had been raised on the general policy of the proposal made by the Government. This visit of the Prince of Wales to India had now been made a State affair. The House was not called upon at the present moment to say whether that was a wise thing or not; but as it was decided that Parliament should pay the expenses of the visit, any ex-

pression of a difference of opinion on the subject would be an unfortunate occurrence, and if that expression took the form of a series of divisions it would be unseemly. At the same time, he must express his opinion that the Government had not, by their proposal, done justice to the loyal feelings either of the House of Commons or of the country. By loyal feelings he meant not loyalty to this or that accidental Member of the Royal Family, but loyalty to the Monarchy, which was maintained not for the advantage of the reigning Family, but which in its dignity was supported by the nation for the nation—that was to say, for the national welfare, for its well-being, its peace, and its prosperity, which were bound up with our form of Government. In his opinion, the Government had laid themselves open to the charge of undue parsimony. The right hon. Gentleman had told them that the Prince did not go to India as the Representative of the Sovereign; but who or what he would represent there did not depend on the opinion of any Minister. Representation when the Prince was once in India would become a matter of feeling, of opinion, and even of imagination. The hundreds of thousands who would swarm to see the Prince would not feel interested in him except as the Representative of a long line of Monarchs historically associated with the power and greatness of England. It was impossible at this moment to say how far the visit might be of public advantage. He was willing to take the view of the right hon. Gentleman on that point, and he was certain it was impossible for the Prince of Wales to pay that visit without deriving an advantage which must ultimately benefit us. At the same time, he could not help expressing his own opinion that a larger grant would be more acceptable to the great majority of the House and the country.

SIR WILFRID LAWSON: Mr. Speaker, I am sorry that I cannot quite agree with the eloquent speech made by the right hon. Gentleman the Member for Greenwich, for with all his eloquence I do not think he persuaded the House that there was much resemblance between the Indian Council and the Canadian Parliament—and although he said very truly that this Vote came before us on the respon-

sibility of the Government, and on no other person's responsibility, yet I cannot agree with him in considering that Government was so implicitly worthy of our support. One thing that I complain of is that important Votes of this nature are not brought on earlier in the Session, and that we have not more time to consider them. It must have been known at an early period that this visit was in prospect, because the Prime Minister alludes to Correspondence with the Viceroy on the subject; but, knowing that, he comes down at the end of the Session, and gives a week's Notice for the country to consider his proposals. I do not altogether believe that the Motion which the hon. Member for Hackney (Mr. Fawcett) has adopted to meet this question is the best that could have been devised; but still, as he has thought right, being well acquainted with India, to deal with it in that way, there can be no harm in another independent Member attempting, in the phrase of the day, "to improve the occasion." Neither do I agree with the course taken last week by the hon. Members for Leicester, Morpeth, and Stafford (Messrs. P. A. Taylor, Burt, and Macdonald), who said the working men took a very great interest in this question. Sir, I think we have reduced ourselves in this House to the condition that few people out-of-doors take much interest in what we do. Moreover, I am not sure that they estimate rightly the opinion of the outside public in this matter. I think that with the outside public expeditions are very popular. Let only an expedition be vague, mysterious, and incomprehensible, and it is sure to be very popular. Immediately newspaper writers go into ecstasies and everybody is delighted. So it was with the North Pole expedition. No one ever knew what it was to do, and everybody took delight in it. So it is with this expedition, which I have no doubt will be popular and fill the newspapers during the Recess; and if the Government will go on inventing expeditions—there has been one this year to the North, now there is this one to the East; let there be one next Session to the South, and the following Session one to the West—then by the aid of these popular expeditions they will be able to go on until the Conservative re-action has expended itself. I object to people getting up in



this House and assuming to speak as special representatives of the working man. I am quite ready to believe that if it can be proved that the expenditure of this money is for the honour and interest and welfare of England, the working men will be quite as ready to support it as anyone else. But that is the point we want to know. When any Vote is brought before this House we, as Representatives of the nation, must inquire whether it is for the good of the nation. That is the only question we have to consider; and surely my right hon. Friend who spoke just now (Mr. Horsman) must have been mistaken in characterizing divisions on this question as unseemly. What do we sit in this House for. The power of criticizing Votes is the vital power of this House. I should be sorry if we were in any way to abandon the right of scrutiny. This matter might have been put before the House in a manner that few could object to. The Prime Minister might have come down and said the Prince of Wales desired to make an expedition for his own proper amusement to the Indian frontier. We should not have made much objection to that. I am one of those who admire and commiserate Princes. They are people who deserve our sympathy in the position they hold in this country. We know they are debarred from entering into political life. It would be looked upon as a matter of jealousy if they did so. If they go into the Army everyone says they are promoted simply because they are Princes, and disregard the real merits they possess. What hard lives they lead—bound day after day to provide vapid amusement for stupid people! They cannot go out-of-doors without being surrounded by “snobs” rushing and crushing upon them; and next day the “penny-a-liners” devote columns describing how those unfortunate individuals looked, spoke, and acted. They do all this at our bidding, and the duties are very ably and properly fulfilled. I, for one, am truly and sincerely grateful to them for what they do, and I do not wonder at all at a Prince of the Blood getting very tired of the daily monotony of laying foundation stones, opening institutions, uncovering statues, and eating charity dinners. If the Prime Minister had come down and put it on the ground that the Prince wanted relaxation and wanted to go and share the

pastimes of the Kings he had met here, I should have felt some difficulty in opposing the Motion. But that is not the ground on which we are called upon to vote this money. On Thursday last the Prime Minister brought the matter forward as a kind of Supplementary Education Vote. He said travel educated Princes, that the Prince was to be sent out to be educated, and that was not only the opinion of the Prime Minister. An hon. Friend of mine on the front Opposition benches, who is connected with India, said he should vote for the grant, as it was desirable that our future Ruler should become acquainted with his subjects. But I dispute the policy altogether, because the principle of the Constitution of this country is that the King reigns but does not govern, and the Prince will have nothing to do with the government of India, so far as I can see. If this is to be an educational mission, to teach people how to govern India, send out the Prime Minister. I am quite sure that he wants rest after the enormous amount of legislation which he has initiated, and I am also quite sure that if it would benefit his health both sides of this House would be rejoiced. There is a great deal in his character which would charm the Indians. The imagination, brilliancy, and Oriental splendour of his eloquence would attract them as much as it has the nations of Western Europe. If he would not go—and I do not see why he should, for he knows quite enough—you might send out some of the other Members of his Administration who would benefit—say the President of the Board of Trade (Sir Charles Adderley). He might also be accompanied by the hon. Member for Whitehaven (Mr. Bentinck). At all events, they would on the voyage become acquainted with shipping. That was not the only ground this Vote was put upon; the other ground was what I may call the State pageant theory. Well, if we are to go on the grand scale and pageant theory the sum we are asked to vote is perfectly ridiculous. The Prime Minister said the Prince ought to be placed throughout his travels in a position that would impress the mind of India with the dignity and influence of the station which he occupied. I do not care who says it—I do not believe that for £142,000 you can do anything of the kind.

*Sir Wilfrid Lawson*

Why, these Great Moguls and people we have been hearing about to-night would beat him hollow. He cannot equal them in magnificence and pomp with this paltry £142,000; and if they outdo us in magnificence and pomp we shall be doing more harm than good to our position in that country. Sir, we took India—got possession of it by a mixture of force and fraud—we hold it now by force; but we can only continue to hold it by fair and honest dealing, and not by indulging in costly shams. Who asks for this visit? Some allusion has been made to a Vote for a Royal dowry. But whenever that has come before the House we have had a Message from the Queen brought down to us on the subject. Somebody has said that the Indian Council approve of the visit. Well, they approve of making India pay for it, but they did not suggest it. Is there any feeling in India for it? Has any Indian newspaper said the visit would be a great benefit to the country? We are asked to vote this money on the statement of the Prime Minister that the Viceroy has sent confidential letters to the Secretary of State. Not a shadow or a scrap more of evidence is given us; we do not know when these letters were written, why he wrote them, what he said in them, nor even whom he recommended should accompany the Prince. The House of Commons was never in my experience asked to vote a considerable sum of money on such paltry, meagre, and insufficient grounds. How do we know that this visit is to be of any benefit to India? What proof is there? I doubt whether it will not be a damage to her people rather than a benefit; for with all these shows and processions going on, these Chiefs must make some show, and they will get the money by oppressing and grinding their subjects. I certainly agree with my hon. Friend (Mr. Fawcett) that taxation and representation ought to go together. That, at any rate, is the opinion of this side of the House. Last week we were in "a great taking" because a million or so of our fellow-subjects were taxed who were not represented—the agricultural labourers. We went like one man into the Lobby in favour of the principle—except our Leaders, of course. Surely, then, we ought to be careful how we deal with the money of these 200,000,000 of people, who are not represented either

here or elsewhere. We know what that people is. We have the experience of that old Indian bill mentioned by the hon. Member for Hackney, which I have been told on good authority still leaves a rankling sore in the minds of the Indian people. Although that was but a small sum, they still look upon it as a great injustice. One word more, Sir. Is it wise to bring these Votes before the House? I thoroughly believe that the immense majority of the people of this country are, rightly and properly, warmly attached to the Monarchy. I think it will be a long time before we shall see a statesman sitting down to write a pamphlet not *Is the Church worth preserving?* but *Is the Monarchy worth preserving?* But if you can cast a shadow of a shade of dissatisfaction on the Monarchy it is by such Votes as this. ["No, no!"] Well, I hope not. I will not detain hon. Members, for I know they have made up their minds how to vote. ["Divide!"] Those who oppose this expenditure are a very small minority, and it is a pity that their opinions should be shouted down. We have heard the other side patiently, and yet the only persons who had risen to oppose the Vote were not listened to. I do not wish to find fault with the Government for bringing forward this Motion; they were compelled to bring it forward; but let the House act in a straightforward manner, and whether it is likely to benefit India or anybody else, let some vote to save the expenditure of money which, at any rate, it had not been proved would benefit India, and which I am very much afraid will make England ridiculous.

Mr. LAING said, the question whether India should bear any portion of this expenditure was a large question of policy; but it had been argued on narrow grounds, as though it were rather a question of special pleading between the two countries. If India were independent, prosperous, and rich, and were represented by an Assembly like the House of Commons, it might then fairly be asked to bear some share of the expense. But India was poor, while England was rich; India was weak, while we were powerful; and India had no representation. Were we not, then, letting slip an opportunity for a great stroke of policy, in asking India for any contribution? He entirely denied the statement of the hon. Baronet

that we maintained our hold on India by force and fraud.

SIR WILFRID LAWSON: I said that our Empire in India was "acquired"—not "maintained"—by force and fraud.

MR. LAING: Possibly I fail quite to see the distinction—acquired by force and maintained by fraud.

SIR WILFRID LAWSON: I assure the hon. Gentleman that I did not say "maintained by fraud."

MR. LAING said, he had not the slightest wish to misrepresent the hon. Baronet. He had merely heard the words "force and fraud." He maintained that our Indian Empire was acquired and maintained mainly by the prestige of English character, and the recollection of such men as the Elphinstones, the Dalhousies, the Lawrences, and the Outrams. We had impressed the Natives of India with a sense of our moral superiority in all respects. But now—by doing an action which could be plausibly misrepresented by those opposed to English rule in that country, as shabby, illiberal, and unworthy of a great nation—we should do far more harm than could be repaired by 100 times the amount spent upon our Army. It was on that account he thought we were making a mistake, for the sake of a paltry £30,000, and throwing away an opportunity for repairing past omissions—or rather commissions—in this respect, and for giving grace to a Royal visit which otherwise was so well calculated to produce the most favourable impression on the public mind of India. He was convinced it would be a much more wise and politic measure if, as an act of grace, the Government had come forward, and said—"This is a spontaneous visit, which will probably tend to draw closer together the bonds between the two countries; it shall be done graciously, and no charge shall be thrown on the Revenues of India."

MR. BECKETT-DENISON said, he differed very much from the hon. Gentleman who had just sat down. It would have been most unfortunate, and a great mistake, if the Government had been advised to allow the Prince of Wales to make this visit to India, and to have proclaimed throughout the world that India had really no interest in the matter, and ought not to be called upon to bear any portion of the expense.

*Mr. Laing*

India was well able to bear the charge, and no nation on the face of the earth understood better the duties of hospitality than the people of Hindostan. He felt sure that if they had an opportunity of expressing their minds on the subject, they would have said that it was their wish that they should bear the expense, and that they would gladly bear the expense—of welcoming the Prince of Wales, with all the honour to which his high station entitled him. The right hon. Gentleman the Member for Greenwich had done good service when he said that India was bound in these Imperial questions to take its share of duty and responsibility, and it would be mischievous both in the present, and in the future, if any other principle were to prevail. The hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) to whom the House had listened with so much pleasure—["No, no!"]—well, to whom ordinarily the House listened with so much pleasure—had not struck the right chord on this occasion. He had greatly undervalued the advantage of His Royal Highness's visit, simply because it could not be reduced to an arithmetical sum. For his own part, he believed the benefits resulting from it would be felt long after the visit itself had passed away, and that nothing could tend more to diminish those benefits than to insist that India should not be allowed to bear her portion of the expense. With respect to the feeling of the working classes in the matter, he believed that the only regret which would be expressed in this country would be that Her Majesty's Ministers did not, on reflection, think it within their duty to propose a somewhat more liberal grant for the expenditure of His Royal Highness. It would be vain now to argue the point; it would be impolitic to do so; the responsibility must rest with Her Majesty's Ministers. He would, therefore, oppose the Amendment of the hon. Member for Hackney, and support the proposal of Her Majesty's Government.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 379; Noes 67: Majority 312.

Main Question, "That Mr. Speaker do now leave the Chair," put, and agreed to.



**SUPPLY—considered in Committee.**

(In the Committee.)

(1.) Motion made, and Question proposed,

"That a sum, not exceeding £80,000, be granted to Her Majesty, in aid of the Expenses of His Royal Highness the Prince of Wales on the occasion of his Visit to India, which will come in course of payment during the year ending on the 31st day of March 1876."

**MR. MACDONALD** said, when the Prime Minister had first laid his proposition connected with the Prince's projected visit to India before the House, he (Mr. Macdonald) had felt it to be his duty to protest against the proposed Vote. He now felt it to be his duty not only to protest against it, but to ask the Committee to go to a division upon the subject. He should follow that course, because he felt that no real ground had been shown to the Committee for the Vote. It was true that they had been told by the Prime Minister and others that the proposed visit might add to the dignity and glory of our Empire; but he and many others who held a similar belief were of opinion that the visit was not calculated to promote either the honour or the lustre of our Empire. They had been told that it would not be an official visit, but that the Prince of Wales—the Heir Apparent to the Throne—would travel, as it were, in the simple character of a citizen. Now, he ventured to assert, looking at the history of India, at the condition of India, and at what had transpired there a few years ago, that this visit would not be calculated to promote the honour or the dignity of this country. They had been told by the Prime Minister that the Prince of Wales would attend the pastimes and sports of the Chiefs in India. He was not aware what these pastimes and sports were; he presumed they referred to Royal tiger-hunting. If that was so, attendance at each pastimes and sports would not add to the honour or grandeur of the Empire, nor would it promote the object which it was said the visit was intended to bring about. He was as loyal as any Member of that House, but he objected to the Vote most strenuously. During the last debate, and again that evening, he had been told that he did not speak the feelings of a large proportion of the community. ["Hear, hear!"] Hon. Gentlemen opposite called out "Hear, hear!" but those hon. Gentle-

men would permit him to call their attention to what had taken place during the brief period of one week, and with that he would leave the Committee to say whether he expressed the feelings of a great body of the people outside that House. The hon. Baronet the Member for Carlisle (Sir Wilfrid Lawson) said that he had no right to speak of the working classes, and he admitted that it was not on this occasion right to speak in their name, because the working classes alone did not protest against this Vote, for they had been joined by a great body of the middle class. He was at a meeting at Leeds last night which was called for the purpose of protesting against the Vote, and an Alderman of the borough was in the chair. [*Laughter.*] Hon. Gentlemen opposite might laugh when he said that an Alderman filled the chair; but an Alderman was as high a dignity as an esquire, and Aldermen were elected by the voice of the people. ["No, no!"] He was wrong in this; but, at all events, the town councils were elected by the people, and Aldermen were elected by the town councils. Then, again, at Northampton, a similar meeting had taken place, and at the borough which he with his hon. Colleague opposite (Mr. Salt) represented (Stafford), a large meeting took place last night to protest against this Vote. He held in his hand not only those resolutions, but some from Sheffield, Liverpool, and many other places both in London and in the country, and if another week had been granted before the Vote was asked for there would have been expressed, not only by the working classes, but by a great body of the people, feelings very different from those which had been expressed in that House that evening. The hon. Member for Southwark (Colonel Beresford) had said, when the question was last before the House, that he (Mr. Macdonald) did not represent the feelings of the working people; but he had yet to learn that that hon. Member knew much of the feelings of the people generally. Again, the hon. Member for Peterborough (Mr. Whalley) had said that he would like to visit with him (Mr. Macdonald) the borough which he, with his hon. Colleague opposite, represented (Stafford), to try the issue with him whether he represented the feelings of the people or not; but the issue which the hon. Member referred to had nothing to do with

this Vote. The hon. Member was in the unfortunate condition of having an idiosyncrasy on a certain subject—

Mr. WHALLEY rose to Order, and said he did not make any such proposal or suggestion; but he would repeat what he did say, and that was that he would meet the hon. Member before any body of the working classes and show him that he did not represent their feelings, and that challenge had not been accepted.

Mr. MACDONALD said, that he accepted the explanation of the hon. Member, though he must say that he thought his ears heard what he had referred to. However, the hon. Member might have gone to the meeting at Stafford last night, and have used that eloquence which he so often resorted to in that House with so little result. Then the hon. Member for the West Riding of Yorkshire (Mr. Beckett-Denison) had told the House that he (Mr. Macdonald) did not represent the feelings of the people; but that hon. Member could not know what was passing daily in the districts which he represented. However that might be, as the Prime Minister had given no tangible reason, no sufficient ground whereby the Committee could judge whether this visit to India would be beneficial to this Empire or not, he should call upon those of the Committee who agreed with him to follow him into the Lobby, and show to the country that this Vote ought not to be sanctioned.

Mr. BROMLEY-DAVENPORT said, he knew from his own personal experience that the influence of the hon. Member for Stafford (Mr. Macdonald) with the working classes was not very great. A short time ago the hon. Member went down to Warwickshire and favoured the working classes there with his views on a strike which was then going on. ["Order, order!"]

THE CHAIRMAN: I must point out that the Question before the Committee is the Vote for £60,000.

Mr. BROMLEY-DAVENPORT said, he wished merely to show the House of what value the hon. Member for Stafford was as representing the working classes. What he said to the Warwickshire labourers was—"Continue your strike though you make Warwickshire a desert for 20 years." Now, any person who used such language did not represent the working classes.

*Mr. Macdonald*

Mr. MUNDELLA said, the hon. Member for Stafford objected to the Vote, and he claimed to speak out against it on behalf of the working classes. Now, it was impossible to deny that there was as much difference of opinion respecting this Vote among the working classes as there was upon any other question. He himself mainly owed his position in the House to the support of the working classes. He, along with his Colleague, represented the largest borough having only two Members in the Kingdom outside London. Owing thus so much to the working classes, he had always endeavoured loyally to defend their cause. But he had never found that the working classes were mean, narrow, or parsimonious. He had always found them to be as just as broad in their views, as generous in their conduct, and just as capable of cherishing lofty desires and aspirations as any other class of the community. The hon. Member for Leicester (Mr. P. A. Taylor) objected to the Vote on the ground of the Monarchy. Well, he (Mr. Mundella) contended, in opposition to that, that if they were to have a Monarchy at all it should not be a cotton velvet or a tinfoil one of which they would have reason to be ashamed. The Monarchy ought to represent the greatness and wealth of the Empire. He did not believe in a cheap and shabby Brummagen Monarchy. He gave his opinion on the question of the dowries, and he had not heard that he acted wrongly, and though there was no constituency more ready to communicate their views to their Members than his was, yet up to that moment he had not heard one word from Sheffield, or seen anything in the Sheffield newspapers, upon the question or against this Vote, and therefore he believed that the men of Sheffield would do in this case as in others—act on a broad and generous view. At the General Election not one word was said to him about his vote on the dowry question. He did not think that hon. Members who represented large industrial constituencies should come down to the view of the fewest and the narrowest of their constituents. They should have the courage to take broad, straightforward, and manly views of these questions, and support their own views before the working classes; and when they did they would find that

the working classes were just as much open to reason and common sense, and just as much interested in the honour and greatness and dignity of the Empire, as any other portion of the community. The hon. Member for Carlisle (Sir Wilfrid Lawson) no doubt represented a large constituency; but his own was three times as great. The Prince of Wales was going to Sheffield next month, and he undertook to say that the people of that town would spend about as much in his reception as the House of Commons was disputing whether it should spend upon the Prince's visit to India. Believing that he represented the opinion of the majority of the working classes, he should best do his duty to his constituents by supporting this Motion.

MR. RITCHIE said, he should not have thought it necessary to make any remarks if it had not been that the hon. Member for Stafford (Mr. Macdonald), with that unctuous delivery with which he frequently favoured the House, had put himself forward as the mouthpiece of the working classes. As the Representative of a constituency which probably numbered 30 times as many inhabitants as that of the hon. Member, and which comprised among its members a very large proportion of the working classes, he (Mr. Ritchie) felt bound to enter his protest against the manner in which the hon. Member for Stafford had professed to speak on behalf of the working classes in reference to this question. At the time of the General Election he had addressed immense masses of the working classes, and in only one case was he asked a single question with reference to matters such as that now before the Committee; and upon that single occasion, when he answered in the same way as the majority of hon. Members would have done the question of whether he was in favour of the grants to the Royal Princes, his answer was received with applause. He claimed to represent a large proportion of the working classes of a great metropolitan constituency. He had presented a Petition from the Tower Hamlets against this Vote, and after carefully going through the signatures he found that out of a constituency, with a population of 350,000, the Petition was signed by only 57 individuals, 15 of whom did not reside in the borough. Another Petition which he was unable to pre-

sent, because it was out of form, was signed by 160 persons. The fact of these two paltry Petitions having been sent in bore ample testimony to the real feeling of the working classes.

MR. O'CONNOR POWER said, when this matter was discussed a few days ago he ventured to express some doubts as to whether the proposed visit of the Prince of Wales to India was founded on sound public policy; the discussion which had just taken place had convinced him that those doubts were well founded, for no single hon. Member or right hon. Member who had addressed the Committee had gone further than making some general statements with respect to the good which this visit was likely to produce. He walked out of the House when the question submitted by the hon. Member for Hackney (Mr. Fawcett) was put to the vote, because he objected to either the people of England or the people of India paying the expenses of this visit until some statement was produced which would convince both countries that it was likely to lead to public advantage. The Committee had received no such statement. The hon. Baronet the Member for Carlisle (Sir Wilfred Lawson) had asked for a Copy of the Correspondence which had passed between the Home Government and the Viceroy of India. The Prime Minister did not think it his duty to furnish the House with that information, and in the speech which he had delivered he failed to bring forward any substantial reasons why this visit should be undertaken at all. The hon. Baronet the Member for Kirkcaldy (Sir George Campbell) had proffered his support to the Government; but he (Mr. O'Connor Power) was rather suspicious of "office men" in questions of this kind. He looked upon this question not as a question of parsimony or of the amount to be expended. It was rather a question of whether, considering the present state of India, the time was appropriate for any Royal visit to be paid to it at all? The Committee could not lose sight of the fact, prominently brought forward in the excellent speech of the hon. Baronet the Member for Carlisle, that during the progress of the visit His Royal Highness would have occasionally to make stoppages at certain places. Native Princes of India would make an effort not to be outdone by any munificence which he might display. No hon. Mem-



ber would get up and propose that the people of the United Kingdom should pay for the expenses incurred by the Native Princes; but the Native Princes would take care to recoup themselves by putting intolerable burdens upon their already oppressed subjects. He could not forget that this visit was to be made at a time following very closely after an appalling scarcity of food in India, and at a time, too, when the deposition of the Guikwar of Baroda had caused great disaffection in that country—and looking at all these things, and having no evidence on the other side to show that any practical good was to be accomplished by the visit, he felt bound in the interests of his constituents and of the country at large, to record an emphatic negative against the Motion of the Prime Minister. No doubt some gentlemen holding office in India were big with the importance of this visit. It would augment their own self-importance to be enabled to rub skirts with Royalty; but it would simply be an insult and a mockery to the people of India. It had not come home to them as calculated to atone for their grievances or for our past misgovernment. It would tend to develop flunkoyism, and the Indian people would regard it as an insult adding to the injuries we had already inflicted upon them. Whatever decision the Committee might come to it was, at all events, desirable that it should be in possession of the real facts with regard to the feeling entertained out-of-doors. The hon. Member for Sheffield (Mr. Mundella) was in frequent communication with his constituents; but some occurrences had taken place in his borough which did not appear to have come to his notice. He would read a letter from the Trades' Council of that borough, representing, to a very great extent, the opinions of the working classes. The letter was as follows:—

"My dear Sir,—I am requested to forward you the following resolution, passed at the Sheffield Trades Council in general meeting assembled:—'That the best thanks of the Council be given to A. Macdonald, Esq., M.P., for protesting against the expenditure of a sum of public money for the Prince of Wales's proposed visit to India, believing that the proposed visit would not have any beneficial political effect, and that the expenditure is unnecessary and uncalled for by the country.'

"I have the honour to remain, yours truly,  
"M. PRIOR, Secretary.

"To A. Macdonald, Esq., M.P."

*Mr. O'Connor Power*

That letter he would submit to the careful consideration of the Committee. ["Divide!"] He would not be put down by clamour, but would be heard, as he had been before, in spite of such interruptions. He wished to remind the Committee that a meeting of delegates had also been held at Stafford, representing 150,000 miners, and passed unanimously a resolution protesting against the Vote now proposed by the Prime Minister. For these reasons, he gave an emphatic negative to that proposal.

LORD RANDOLPH CHURCHILL, who spoke amid cries of "Divide," was understood to say that a feeling of deep disappointment was widely shared in by the Committee, that Her Majesty's Ministers had not thought fit, in spite of the feeling which had been very openly manifested, to propose a larger Vote. Necessity for a considerable increase in the sum to be provided had been clearly shown by a remarkable letter in *The Times* of that morning, the statements of which no hon. Member had attempted to refute. Whether they were alarmed at the hostile expressions of opinion from some hon. Members below the Gangway opposite, or whether they were really averse to the expenditure altogether, it was difficult to say; but this he would state—that the very timidity of their proposals had encouraged the hostile expression of opinion, and he ventured respectfully to point out that they were going the way to render the expenditure undignified on the part of the country and of the Prince who undertook it. Even allowing, for the sake of argument, that the expediency of the expedition could be doubted, the project had gone too far for such a question to be raised, and it ought to be supported with an unsparing, if not a lavish, hand.

MR. LOCKE: Sir, I do not rise for the purpose of discussing the Vote, but simply to ask why the hon. Member for Stafford (Mr. Macdonald) has singled out the borough of Southwark as an example of the opposition which exists to this Vote among the working classes. My hon. Friend and Colleague (Colonel Beresford), who sits on the other side of the House, and with whom on many questions I do not agree because we belong to different political Parties, disputed the right of the hon. Member for

Stafford to speak in this House on behalf of the working classes. In that I quite concurred; and, so far as Southwark is concerned, the statement has been amply borne out. I can assure the hon. Member for Stafford that, out of the 20,000 constituents I have the honour to represent, I have not received a single letter of remonstrance or opposition on this subject. I receive a great many letters from my constituents on all kinds of subjects; some of them I would rather not see, others I am always glad to receive; but, in this case, I am bound to state that I have not received one single letter of any description whatever opposing this visit and the consequent Vote.

MR. BRIGHT: Sir, I cannot but think that the Committee has been led off to the discussion of a great many matters that really do not much bear upon the question. There seems to me to be two questions before the Committee. The one is whether the Committee is to give any sanction to or to put any obstacle in the way of this proposed visit of the Prince of Wales to India. That is the question before us, because we are asked, if we decide that the visit may be paid, or shall be paid—we are asked to provide the means; and surely, as we hold the purse, we hold the determination whether the journey shall take place or whether it shall not. Now, I have no objection to admit that if I had been in the place of the Secretary of State for India, or—which is a still bolder figure of speech—if I had been in the place of the right hon. Gentleman opposite (Mr. Disraeli), when this proposition was first submitted to me, I should have received it and considered it with some hesitation and with some anxiety. It must be obvious to every person who considers the subject that the visit of the Heir Apparent of the Throne of these Kingdoms to India is a matter of considerable importance to that country, and, it may be, of considerable importance to this. There are questions of accidents to his life and health, and there are many other circumstances which make it very important for us to consider and determine; and although it is quite likely that I might have come to the conclusion that it was not right to object to it, still I should have come to the conclusion with a great deal of anxiety. But I presume,

with regard to this special proposition, that it has already received the consent of the Queen; and we know from long experience, which I hope may be much longer, how intelligent and how prudent is the conduct of Her Majesty in all public matters. We know, of course, from what has been said to-night and the other night, that the proposition has been submitted to the Cabinet, and that it has received their consideration and approval. I think we may conclude that it has the approval also of what there is of Indian Government in this country; and I think the right hon. Gentleman told us the other night, that the Governor General of India (Lord Northbrook) had expressed an unhesitating approbation of the proposed visit of the Prince. If that be so, I should be very presumptuous to put my opinion, even if I had still any doubt, against the proposition now before us. I give up any hesitation I had. I believe my opinion is not at all to be put in opposition to, or in comparison with, the opinions of those to whom I have referred. Therefore I am willing to believe, and do believe—at least I do most strongly hope—that the visit is a wise one, and will tend, in the main, to useful purposes both for England and India. Then, if the visit is agreed upon, what sort of a visit shall it be? The right hon. Gentleman described two kinds of visits—one a great regal or Imperial progress through the different Provinces of India; and the other a more moderate journey, an arrangement to which the Government have consented, and which they proposed. But there is another mode which, for aught I know, the hon. Member for Stafford (Mr. Macdonald) might like to see adopted. For surely you could not say that under no circumstances should the Prince leave this country, or that, if he left it, under no circumstances should he go to India. Now, unless he goes to India with a single portmanteau and carpet bag, as many Gentlemen in this House might go, it is obvious to my mind that between the various modes of journeying that which the Government has approved and offered to the House is the one which really meets the common sense and propriety of the occasion. If it was any other of the sons of the Queen it would be somewhat different. But the Prince of Wales is the Heir Ap-

parent to the Throne of these Kingdoms, and you cannot, in his travels through India, divest him of that character and that position. A man being Heir to the Throne of this Empire, how much in his position greater than that of almost any other man of whom we know anything? This Empire is greater than all the historic Empires of which we read from the time of Alexander the Great down to the time of the conquering Corsican. We know that there has been nothing greater than the Empire over which the Prince of Wales at some distant day may be called upon to rule, with the population, wealth, intelligence, and power of these United Kingdoms, with Canada, with the growing Empires and nations of Australia, with the Indian Continent with its 200,000,000 of people, and countless islands, of which none of us could give the exact number. I say that a Prince who is Heir to the Throne on which he is to sit and to govern an Empire like this ought, if he visits India, to go in such State as should commend itself to the ideas, the sympathies, and wishes of the population he is about to see. I am not one of those who believe that the journeying of Princes through subject States is likely to have a great effect on the people. ["Hear, hear!"] I see that is cheered by one or two Irish Members. I think the right hon. Gentleman at the head of the Government said last year, or at all events not long ago, that the Irish insisted upon being a subject race; but the people of India are really a subject race, and I do not expect that the visit of the Prince of Wales among them would make them forget that great fact, which must be constantly to many of them the subject of dissatisfaction and of sorrow. But there are influences which he may employ, there are circumstances which may arise, which may have a beneficial effect upon the public mind in that country. I have not had so much opportunity of knowing the Prince by personal intercourse as many Members of this House have had; but all persons will admit this—that he is of a kindly nature, that he is generous on all occasions, and that he is courteous in a remarkable degree. Now, one of the things which to my mind is always most distressing with reference to our rule in India is that Englishmen there are not kind, and are not courteous, in the main, to the popu-

lation of the country. I recollect in the year 1858, when a Bill introduced by the present Lord Derby for the change in the Government of India was before the House, I took the opportunity of addressing it upon that Bill and upon that change of Government. I addressed myself particularly to this point, and I argued that it was the solemn duty of the Governor General of India to insist that every man, from himself down to the lowest officer—down to the soldier of the rank and file, and the lowest civil officer—that amongst them all there should be kindness and justice in their dealings with the Native population. I believe that the absence of that conduct is one of the greatest dangers to which English rule in India is subject. Now, as the Prince travels through that country he will see, of course, all the great men of the Indian races. But he will come necessarily in contact with many who are not great men, and his behaviour will be observed, and much, I doubt not, in this particular will be admired. The Indians say that the Englishman in India is rude, coarse, and dominant, but that when the Indian comes to England he says that the English are the kindest and most courteous people he ever met. They will find when the Prince travels through India that his kindness, his generosity, and his courtesy will be always distinguishable and always marked, and I shall be glad if it is said hereafter—as it may be said if the Prince keeps before his eyes the great object of his journey—that since the Prince of Wales was in India there has been a following of his example, and that there has been a marked improvement in the conduct of all Englishmen who are trustees or servants of their country in the government of the vast population of India. I rose for the purpose of saying that although I had some doubts, and although it is impossible to say and believe that the journey of the Prince of Wales will turn the current of feeling on great political questions in the minds of the Natives of India, yet I think that in all probability, by his conduct—his personal conduct—his kindness, his courtesy, his generosity, and his sympathy with that great people over whom it may at no distant period be his tremendous responsibility to rule, he may leave behind him memories that may be of exceeding value and equal influence to the greatest measures of

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DR. KENEALY, who rose amid cries of "Divide!" said, he did not intend to take any public part in the discussion but for the extraordinary sentiment which he heard laid down by the hon. Member for Sheffield, that the working classes were not interested in the result of that great question. ["No, no!"] He begged most distinctly to differ from that statement, and he would give the House some good reasons for doing so.

MR. MUNDELLA: I must rise to Order. I beg to say I said the very reverse of that attributed to me by the hon. Member.

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introduced, or should any attempt be made to influence the debates by any allusion to the conduct of the Sovereign. He yielded to no man in his loyalty, and therefore he hoped it would not be considered any want of respect for the Queen that he objected to her name being introduced. While he shared in a great deal with what the right hon. Gentleman had said of the Prince of Wales, he did not think it was a question really before the House. If His Royal Highness were going to India in any representative capacity it would be a different thing; but as he understood His Royal Highness was going simply in his own private and personal capacity, he strongly objected to the people of this country being taxed one shilling towards the expenses. He believed that in the present state of feeling in India consequent on the iniquitous and wicked trial of the Guikwar of Baroda, the whole Mahomedan population were incensed, and he thought they would be more and more incensed, having no representative in the House, if they were called upon to pay a sum of £30,000 for the expenses of the Prince of Wales's visit. So far from the visit inducing those friendly feelings which the right hon. Gentleman was so anxious should exist between England and India, he thought the worst possible time had been chosen to send His Royal Highness there. He did not intend to address the House any longer; but he could not give a silent vote and allow the matter to pass without a protest against what he understood to be the meaning of the hon. Member for Sheffield.

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SIR GEORGE CAMPBELL then proceeded to say that he only desired to offer a few words in fulfilment of what he deemed his duty. As an ex-Member of the Indian Council, and concerned for many years in the administration of the affairs of India, he had given his ap-



proval of the arrangements made by Government. As Member for a British constituency he would support this Vote. He did not exaggerate the importance of the visit of His Royal Highness the Prince of Wales to India, and if Her Majesty's Government had proposed a much larger sum he should have opposed it. What they had proposed he believed to be reasonable and therefore he should vote for it. What, however, he rose to say was that, having long laboured in the administration of our Empire in India, he thought he was entitled to assert that the right hon. Gentleman the Member for Birmingham (Mr. Bright) had done some injustice to his countrymen in India when he said their behaviour there was habitually unkind and uncourteous. The right hon. Gentleman had in that respect spoken in too unqualified a way; for, as a rule, those who were employed in India as the representatives of this country, whether they were high or low, were courteous and kind to the Natives in the highest degree.

MR. ANDERSON, who was received with loud cries of "Divide!" said, he was sorry the Committee was so very hungry. He did not wish to be forced to move Progress in order that this important subject might be fully discussed, and he promised to detain the House only a moment. He represented a constituency which did not like Royal Votes, and his previous opposition to them had been approved by a very large majority of his constituents; but he wished to say why it was that he did not intend on this occasion to give a vote in the same direction. It was because he did not think this was a personal Vote—a Vote to any Member of the Royal Family. If the proposed visit of the Prince of Wales to India were merely a matter of form; if he simply wished to exchange the shooting of the forests of Abergeldie for the sports of pig-sticking and tiger-hunting in India, he should not, perhaps, support the Vote; but he intended to support it, because he saw in the visit a possibility of securing those advantages which had been so well pointed out by the right hon. Gentleman the Member for Birmingham. The Prince of Wales was acknowledged by all who were acquainted with him to be exceedingly gracious and courteous in his manner,

above almost all other men, and being, perhaps, tired of those pleasures to which the right hon. Gentleman had referred, and ambitious to do all the good in his power, his visit to India might be productive of great benefit. Entertaining these views, he should vote in favour of the proposal of the Government.

MR. NEWDEGATE: Having had the opportunity of witnessing the manner in which the Prince of Wales was received by the operatives of Birmingham and Warwickshire last autumn, I do not believe any feelings but those of respectful cordiality towards His Royal Highness exist among the great majority of them. There may have existed among the operative classes some doubt as to the intended visit of His Royal Highness to India; but this doubtfulness, I am convinced, arose from a recollection of the severe illness from which the Prince of Wales once suffered, which suggested a homely feeling of economy for his health; but it is clear that the objections raised by hon. Members opposite to the intended journey of His Royal Highness come too late. After the highest personage in this Realm, who stands nearest to His Royal Highness, has consented to his journey; after the invitation he has received from the Government of India; after the Cabinet have recommended this expedition; after the great majority of this House that has just voted in favour of this mission of peace which His Royal Highness has undertaken, and I believe it will prove to be a mission of peace; after such a bidding, it would be inconsistent with the respect which he who will hereafter hold the principal share in the guidance of the destinies of this Empire now to hesitate in accomplishing the mission he has undertaken. I repeat that the objections raised by hon. Members opposite come too late fairly to represent the feelings which are, I am convinced, entertained towards His Royal Highness, and upon the subject now before the House. By these objections to the mere expense of the journey His Royal Highness is about to undertake, the hon. Members opposite misrepresent, I am confident, the feelings and opinions of the great majority of the operative classes of this country.

MR. BIGGAR said, he had not heard any valid reason given for that Vote, except the one assigned by the right

*Sir George Campbell*

hon. Member for Birmingham—namely, that the Prince was a man of kindly manners, and would treat the Natives of India in a different way from that in which Europeans were in the habit of treating them. In Ireland they had had two or three Royal visits, and great things had been expected from them by some people; but the agitation for the Repeal of the Union, for Catholic Emancipation, and against tithes, still continued as strong after George IV.'s visit as it was before. Her present Majesty, when she visited Ireland, was right well received; but the people were still dissatisfied, because they were misgoverned, and they still agitated for Repeal, for Home Rule, for the improvement of the Land Laws, and the Fenian agitation had supervened. For these reasons he thought they had no right to expect that the visit of the Prince of Wales would have any effect on the loyalty of the people of India to English rule. The Prince would be put in a false position by being allowed to go to India. Let them not live in a fool's paradise, or think they could throw dust in the eyes of the people. What they ought to do was to govern India well, and to act fairly and honestly in their dealings with Native Potentates.

MR. BURT said, he thought that the question had been treated too much as a class question, and he regretted that so much had been said about the opinions of the working classes. The hon. Member for Stafford (Mr. Macdonald) did not arrogate to himself the exclusive right to speak on behalf of those classes, but other people had attributed that to him. The working classes were very much like other folk—they differed in their opinions on that subject. Some of them, he dared say, were in favour of that Vote. A very large number of them had a very strong objection to it; but the great mass, he believed, were indifferent about it. He would go into the Lobby against the grant, not because the opinions of the working classes were against it, but because he honestly believed that it was an improper Vote. With every respect for the views stated by the right hon. Member for Birmingham, he could not admit that because the Government thought that it was a proper grant to propose, they ought to bow to their decision in silence and not take a division on the question.

SIR FREDERICK PERKINS said, he would vote with the Government on that occasion, and he only regretted that the amount they asked for was not much larger. He should be unworthy of his position as the representative of the working classes of Southampton, if he did not emphatically deny the serious charge made against their class by the hon. Member for Stafford. It was a libel on their character to be continually imputing to them disloyalty. The working men were thoroughly loyal, and they would never grudge a Vote of money when the dignity of the country was concerned.

MR. MACDONALD repudiated entirely the statement that he had uttered a word that would indicate that to his knowledge the working classes were disloyal, and he believed there was no people in the world more loyal to the Constitution than were the working classes of this country. He also repudiated the insinuation that he desired that the Prince of Wales should travel through India with a carpet bag. The reason that he had objected to this Vote was that he believed the visit would not be beneficial, but would be prejudicial to the best interests of that country.

Question put.

The Committee *divided*:—Ayes 350; Noes 16: Majority 334.

(2.) Motion made, and Question proposed,

"That a sum, not exceeding £42,850, be granted to Her Majesty, to defray the additional Expenditure under the several heads of the Annual Estimates of Her Majesty's Navy, consequent on the Visit of His Royal Highness the Prince of Wales to India, which will come in course of payment in the year ending on the 31st day of March 1876."

MR. MACDONALD said: Without any remark, I beg to move that this Vote be not agreed to.

Question put.

The Committee *divided*:—Ayes 255; Noes 12: Majority 243.

#### SUPPLY—CIVIL SERVICE ESTIMATES.

##### CLASS III.—LAW AND JUSTICE.

(3.) Motion made, and Question proposed,

"That a sum, not exceeding £58,653, be granted to Her Majesty, to complete the sum



necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, of Criminal Prosecutions and other Law Charges in Ireland."

Question put.

The Committee divided:—Ayes 216;  
Noes 18: Majority 198.

CAPTAIN NOLAN moved to report Progress. He said that he did not vote in the last division—that on the Naval Vote—and was outside the glass door when it was over. He made the greatest efforts to regain his place in the House, but could not struggle through the stream, and unless he had knocked down at last a couple of Cabinet Ministers, he could not get in the House a moment sooner than he did. An Amendment on the Vote just taken stood in his name on the Paper and had been there for the past two months, on which he was most anxious to speak; but when he got inside he found that the division was called, and he and his friends were deprived of the opportunity of discussing the question. Whether the fault was in the Forms of the House or in the Estimates being so late and the Chairman obliged to hurry through the Votes in a manner which prevented discussion on vital points, he did not know; but he believed his name was not called.

Motion made, and Question proposed,  
"That the Chairman do report Progress, and ask leave to sit again."—  
(*Captain Nolan.*)

THE CHAIRMAN remarked, that before the Question was put he might be allowed to say, in reply to what had fallen from the hon. and gallant Gentleman, that he regretted very much that he should have been exposed to any inconvenience in consequence of his being outside the door of the House at the time the Vote was coming on. The course which he (the Chairman) had taken was the usual one. He called the Vote placed in his hand by the Secretary to the Treasury in the order in which it was given to him, and that certainly, as far as he was aware, without any undue haste. In fact, before he put the Vote he looked to the part of the House where the hon. and gallant Gentleman generally sat, and if he had been there he (the Chairman) would have called him at once; but not seeing

him there he did not call him. He might state for the information of the hon. and gallant Gentleman that an hon. Member who gave Notice of an Amendment was not entitled to be called; it was only as a matter of courtesy that he had precedence; but if several hon. Members rose to speak to the Vote the hon. Member having an Amendment on the Paper was almost always called by the Chairman.

MR. DISRAELI said, he hoped the hon. and gallant Gentleman would not persist in this Motion. He was sorry the hon. and gallant Gentleman had not had an opportunity of making the Motion which he desired, and he always regretted when circumstances of that kind occurred. But what had happened to the hon. and gallant Gentleman might happen to himself or to anyone. He hoped, therefore, the hon. and gallant Member would not quarrel with the Committee upon a circumstance which, upon careful consideration, the hon. and gallant Gentleman would feel had resulted from circumstances over which he had no control. There was really nothing irregular in the way which the Vote was put. He was quite sure the Chairman had shown no partiality, and he would appeal to the Committee whether the Chairman had not always shown the utmost impartiality. In fact, the only irregularity which had been committed was committed by the hon. and gallant Member himself. After the Question was put it was not in the power of any Member to rise to speak; but he must address the House sitting, and with his hat on. He hoped the hon. and gallant Member would not persist in his Motion, as the occurrence was a misfortune. It was wise to be on good terms with each other with regard to the Business of the House, and it was a mistake to pick a quarrel with the Committee.

MR. GOLDSMID said, he hoped the hon. and gallant Gentleman would yield to the request of the right hon. Gentleman. He was sitting in his usual place just below that of the hon. and gallant Member at the time the Question was put, and the Chairman put it from the Chair in the same calm and deliberate manner in which he always did when a new Vote was proposed. He saw the Chairman, as he thought, look at him as if he expected him to rise; but as he knew nothing whatever about the



Vote, he did not do so, and the Chairman put the Question. The Chairman always conducted the proceedings of the Committee with the greatest possible fairness, and no Member of the House had, he thought, the slightest right to complain of any partiality being shown. He therefore hoped the hon. and gallant Member would see the wisdom and desirability of withdrawing his Motion.

MR. SULLIVAN said, he felt quite confident that nothing which had happened had been owing to any failure on the part of the Chairman in the strict performance of his duty. The fault lay very much in the necessity for pressing Votes of importance in Supply when hon. Members had been fasting up to half-past 8 o'clock and had gone to dinner. Several Irish Members being in that position, and, while anxious to address the House, yet unwilling to do so at a quarter past 8, went to dinner, and were unable to elbow their way back again until it was too late. In the circumstances he could not blame his hon. and gallant Friend if he had lost his temper—for he certainly was a little excited—but he trusted that his hon. and gallant Friend would not allow his very just exasperation at the misfortune which had occurred to interfere with the progress of the Committee. The Chairman did his duty always with candour and impartiality, and the misfortune was due to the forcing of a division on the Prince of Wales's Vote, right or wrong, before dinner. He hoped his hon. and gallant Friend, having explained his position, would withdraw the Motion he had made, or else it would place him in the false position of either deserting his hon. Friend or casting a reflection upon the Chairman.

MR. GATHORNE HARDY pointed out that the hon. and gallant Gentleman was not deprived of the power of discussing the subject in question, as he would still have an opportunity of doing so on the Report.

MR. BUTT said, that no person complained of the Chairman in the matter, and that he should be slow to believe any complaint of the kind. What had happened to-night happened whenever there was a crowded division, whether the Speaker or the hon. Gentleman was in the Chair. He would suggest, to prevent the recurrence of such accidents, that an interval should be allowed

after a division before a Question was put.

THE MARQUESS OF HARTINGTON, referring to the remark of the Secretary of State for War, that the hon. and gallant Gentleman would have an opportunity of discussing the matter on the Report, suggested that the Report should be brought forward at an hour which would make it possible for the hon. and gallant Gentleman to do so.

Motion, by leave, *withdrawn*.

Motion made, and Question proposed,

"That a sum, not exceeding £745,037, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, for the Constabulary Force in Ireland."

MR. WHALLEY said, that on a former occasion he asked the Prime Minister whether he was desirous of information respecting a class of persons called Jesuits, and if he could state whether it was owing to the presence of those persons living in Ireland contrary to the laws that this enormous demand was made on the National Exchequer.

THE CHAIRMAN called the attention of the hon. Member to the fact that he was out of Order in referring to a former discussion. The Question now before the Committee was that the sum of £1,073,000 be granted to Her Majesty for the Irish Constabulary.

MR. WHALLEY said, he felt he had a right to complain that the Notice he had given to call attention to this subject did not appear on the Paper, and that the Prime Minister was not present to answer him. The Jesuits were an organized band of conspirators, recognized as such by every nation in Europe, stamped and ticketed by Act of Parliament, and this Vote, large as it appeared, was insufficient to enable the Constabulary to preserve the peace of Ireland. He must object to this Vote unless some reasonable explanation were given why so large a body of police was inefficient to detect crime and keep the peace in large sections of that country.

MR. MELDON said, he had to complain of the way in which pensions were awarded to those men who retired from the force through old age or incapacity for further service. The pay of the constables was increased under an Act passed in 1866, and again under an-

other passed in 1874; but if a constable who had entered the force between the years 1847 and 1866, in 1874 had to retire from it, he was awarded a pension calculated on the pay which he received between 1847 and 1866; whereas a constable who entered the force since the pay had increased, and was obliged to retire, received a pension of a much larger amount, though he had not served in the force so many years. Now, anything more unfair or unjust than that could not be conceived. Those who now retired from the force required and ought to be placed on the same footing in regard to pensions. Besides, the constables who entered the force prior to 1866 had 2½ per cent deducted from their pay to form a superannuation fund, to which the constables who had entered the force since 1866 were not required to contribute. He should be glad to know what answer could be given to this piece of injustice, and he hoped that the right hon. Gentleman the Chief Secretary would not rely upon any legal technicalities, as if there were any, the Government ought at once to remove them by passing a short Bill.

MR. CHARLES LEWIS said, that this was one of those cases where the Government, in attempting to remove one injustice, had introduced another, as it could not be right that one constable who entered the force since 1866 and now retired should receive almost double the pension of another who entered in 1847, merely because the two men entered the force at different periods. The matter only required to be considered by the Chief Secretary to be put right, and he had perfect reliance on the justice of the right hon. Gentleman that he would attend to the matter.

MR. DILLWYN said, he was a frequent visitor to Ireland, and it was generally remarked there that justice was not done by the new regulation to this deserving body of men. He hoped the Government would be induced to look into the matter.

SIR JOSEPH M'KENNA also bore testimony to the strong feeling that existed among all classes in Ireland on this subject.

MR. BRUEN said, no doubt great dissatisfaction prevailed upon the subject, and if entertained by the Government would have to be dealt with upon a broader principle. It would be impos-

sible to exclude other branches of the Civil Service from participating in any change that might be made.

MR. M'LAREN said, there was a taxpayers' view of this subject, and he trusted that the Government would be very sparing in granting any further and unnecessary increase in these pensions. There were now 3,945 constables receiving pensions for doing nothing, and these pensions to the Constabulary of Ireland amounted altogether to £172,000 a-year. The amount had been yearly growing, and, in his opinion, ought to be reduced by a steady reduction of the force itself.

SIR MICHAEL HICKS-BEACH cordially agreed with what had been said as to the merits of this deserving class of men, and felt it was not unnatural that an opinion should prevail that some hardship had been done to them. This was, however, only one part of a very large question, and if anything were done to meet the views of these men, every other department of the Civil Service might be found to have a similar ground of complaint. He did not think it could be alleged that the pensions granted under the old Acts had not been as large as the law at that time authorized and required; for it should be remembered that the scale of pensions in the Act was a maximum scale, and if a constable's conduct had not been satisfactory he would not receive the full amount of pension. The recent Act had largely increased the scale of pensions, and, no doubt, the men who retired after that Act was passed received an advantage that was denied to those who went before them. When, however, the Government were asked to increase the pensions of those who had retired under a different scale, it was their duty to consider the interests of the taxpayers. It was not their intention to make any such proposal, however much they might regret the state of things which had been complained of.

MR. WHALLEY said, the right hon. Gentleman had not answered his question.

SIR MICHAEL HICKS-BEACH was bound to say that he had been unable to trace the connection between the Jesuits and the Irish Constabulary on which the hon. Gentleman had addressed several speeches to the House. He regretted that it was necessary that

so large a sum should be voted for the Irish Constabulary; but, believing that it was necessary, the Government were bound to propose the Vote.

CAPTAIN NOLAN said, that Irish Members did not wish to see this Vote increased, or a larger number of police employed; but they would rather see the Force gradually reduced, and the money devoted to education, or transferred to the Army Estimates. The police of Ireland was a military force for the defence of the country. The men, however, had a grievance. They considered they had been badly treated, and that the Government were ready to do a sharp thing whenever they could.

MR. WHITWELL urged that the Government should keep a tight hand upon these pensions, which were increasing at the rate of £5,000 a-year.

Resolutions to be reported *To-morrow*, at Two of the clock.

Committee also report Progress; to sit again *To-morrow*.

## REPRESENTATION OF THE PEOPLE.

### RESOLUTION.

SIR CHARLES W. DILKE rose to move—

"That it is the duty of Her Majesty's Government to cause inquiry to be made into the various methods of bringing about a juster distribution of political power, with a view of securing a more complete representation of the people."

The hon. Baronet said: In raising the question of re-distribution of power in Parliament, a strong case may be made by pointing out the anomalies which exist at present; but merely to point out anomalies—although increasing, and increasing more rapidly at this moment than they have been for some years past—is not to make a sufficient case for immediate action. At the same time, while it would be misdirected energy to spend many minutes upon the consideration of the anomalies, it is worth remembering that the last General Election has revealed them once more in a naked and startling form. All over the Three Kingdoms we have seen Members victorious in one constituency who polled from 1-20th to 1-250th of the votes polled by candidates who were unsuccessful in neighbouring constituencies, thus bringing home more clearly than ever to us the fact that a man's vote is a very

different thing in its weight and influence, if he live in a favoured village, rather than in a wealthy county or a flourishing town. To give a few instances of this state of things—If we look to the English counties, we find that in North Durham—while 3,000 voters ought, upon a fair system of apportionment of representation, to be a sufficient number of county voters to return by a majority of their number a county Member to the House—the present Conservative sitting Member, though he has through the storms returned among us, was nevertheless at first defeated and two Liberals were returned, although he polled well over 4,000 votes, and, indeed, polled the number of votes which seated his Colleague on a former occasion. In East Kent, the defeated Liberal candidate polled over 4,300 votes. In East Surrey, Mr. Locke King—a valued Member of the last Parliament—polled a number of votes which ought to have returned him to this House, the number being 4,300. In South East Lancashire, the rollicking economist who represented Warrington in the last Parliament, my friend Mr. Rylands, polled 7,500 votes, and yet was beaten. 8,300 votes were polled for the defeated Liberal in the Southern Division of the Western Riding. On the other hand, if we turn to the boroughs the anomalies are much more startling. Why should Colonel Pease have lost his seat at Hull, when he polled 7,700 and odd votes?—4,500 votes, by this majority, bring the number, which ought to be considered a proper one, of borough votes to return a borough Member to the House. In Marylebone, the defeated Liberal polled nearly 7,900 votes; in Bristol, the defeated Conservative polled nearly 8,600 votes; almost an equal number were polled at Oldham by Mr. Hibbert, whose absence is greatly regretted by the House; at Sheffield, a defeated candidate polled nearly 11,000 votes; in Lambeth, the defeated Conservative polled 11,200 votes; at Leeds, a defeated Liberal polled 12,000 votes; at Liverpool, a defeated Liberal polled close upon 16,000 votes; and at Manchester, Mr. Jacob Bright was the defeated candidate although he polled 18,727 votes. If we turn to Ireland, we find figures still more extraordinary. The defeated Liberal at Antrim polled over 4,000



votes; the defeated Liberal in Belfast polled considerably over 4,000 votes; the defeated Conservative in Down polled nearly 5,000 votes. On the other hand, the successful Liberal at Dungannon polled 121 votes; the successful Liberal in Ennis polled 115 votes; the successful Home Ruler at Kinsale polled 107 votes; the successful Home Ruler at New Ross polled 120 votes; the successful Home Ruler at Youghal polled 126 votes; and the successful Home Ruler at Mallow polled 86 votes. There is one Gentleman sitting in the present House of Commons who polled 76 votes, and was returned. He sits representing his 76 votes on the Conservative benches, where there sits besides him a Member who polled 20,206 votes. The population of Liverpool, which returns this one Member, increases at the rate of 5,000 souls a-year; the population of the village, which returns the other Member, decreases in population at the rate of 10 souls a-year. We have a successful Conservative and a successful Home Ruler returned to the Parliament of the United Kingdom by 76 and 86 voters respectively, and one borough Member defeated who polled 18,727 votes. I made, on a former occasion, a statement with regard to these anomalies, which was not challenged, and which cannot, I think, be upset—namely, that our electoral anomalies are greater now than they were before the Reform Bill of 1832. There were in 1832 a considerable number of constituencies which had less than 100 voters each; but, excluding the single case of Old Sarum, the disproportion between those constituencies and the average size of constituencies at that time, and the disproportion also between those constituencies and the largest constituencies that existed at that time, was less than the existing disproportion between the 12 smallest borough constituencies of the present day and the average 4,500; or between them and the constituency of Liverpool. Gotton, which was the worst but one, had 23 houses, and the disproportion between that and the then average was much less than that between Portarlington and the present average. In a speech which I made upon this subject two years ago, I showed the practical grievance which underlies the theoretical grievance that I pointed out. I showed by careful examination of

figures, that divisions take place on subjects concerning the interests of the great counties and of the great towns in which majorities in the country are converted into minorities in the House of Commons by the operation of these strange facts. I pointed out that those anomalies were of modern growth, and that in olden times that was the case which ought to be the case again—namely, that a self-acting machinery existed for their cure, which in those days took the form of a Royal Prerogative, now fallen into disuse. I showed how greatly some of the large towns had suffered by the present state of things, and being, I hope, free from any one-sided prejudice, I pointed out how grossly under-represented were also to their detriment the counties of Lancashire, Yorkshire, Middlesex, and Kent. I showed the claims to a special representation of such great centres of population as Battersea, Croydon, Kingston, Richmond, Bromley, Barrow, Batley, St. Helens, and Ramsgate. It will be obvious to all that, great as are the anomalies at the present time, they are increasing year by year, inasmuch as the villages are going backward, when they are not standing still, while the great towns and the manufacturing counties are thriving and increasing more and more. I may mention, for instance, that in the borough which I represent (Chelsea), and which is divided into 13 wards, the yearly increase in a single ward is more than double the total population of each of half of the Irish boroughs. Comparing my Return of the number of Parliamentary electors for 1874 with my Return for 1873, I find a great increase in the already very populous counties of Middlesex, Surrey, Lancashire, and Yorkshire. I find the other counties on the whole stationary. I find a decrease in the borough electors in the whole of Ireland, in spite of the very enormous increase in the city of Belfast; and I also find a decrease in a large number of the small English boroughs. On the other hand, I find, in my borough for instance, an increase of 2,600 electors in the single year, which in London means an increase of 40,000 in population; in Finsbury, an equal increase; in Hackney, an increase of nearly 2,000 electors; in Greenwich, an increase of 1,500; in Lambeth, an increase of 2,000; in Liverpool, an in-

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crease of 2,000; in Manchester, an increase of 1,500; in Salford, an increase of more than 1,000; in Sheffield, an increase of 2,500; in Southwark, an increase of 1,500; in the Tower Hamlets, an increase of 1,500; in Wednesbury, an increase of 1,500; in Wolverhampton, an increase of 1,000; in Swansea—unless there was a mistake made last year, which I almost fancy must be the case—an increase of 6,000 electors; in Portsmouth, an increase of 1,500; in Preston, an increase of 1,000; and only in three big boroughs was there a slight decrease to set off on the other side. No doubt it may be said that so long as great expenditure occurs at the elections in large boroughs, we shall not be much improving the chances of the poor man if we disfranchise small boroughs and give their Members to the large ones. We shall also, it will be said, remove a certain number of young men of family from the House, and replace them by a certain number of manufacturers. Now, in the first place, the smallest boroughs on the average are not sending to the House of Commons at the present time at all the same class of men that they used to send 50 years ago. You have only to compare the list of Representatives of almost any of these boroughs during the last few years with the list at the beginning of the present century to see that this is so. But I go further, and I turn the argument; for if there were a proper distribution of political power by population, the big boroughs would not be so big as they are at the present time, and the expenses of elections in them would consequently not be so great. In Liverpool and some other towns, there are 18,000 electors to one Member. There are some of our cities—parts of London, for instance—where there is only one Member to every 250,000 of the people; but under a proper distribution of electoral power there would be, on the average, one Member to every 40,000 people, which would be a more manageable constituency, even if no improved method of representation were adopted. Indeed, I may make it a new argument in favour of re-distribution that with a register made conclusive as to the right to vote there is room for frightful corruption by means of personation in the very large boroughs. I had charge of a district at the last election for Hackney, and in

working there I came to the conclusion, that in that constituency of 400,000 people and 40,000 electors, it would easily have been possible to have carried out personation on a very large scale. Now, if there were a complete re-distribution of political power, and such an allotment of the present number of Representatives as would give one Member to every 4,000 electors, the constituencies would be more manageable even in this sense, and the very great existing danger of personation would be avoided. But it must not be assumed from what I say that I think the present electoral system is perfect; and the Notice that I have given is not one that points to any plan of reform, but one which, stating the question in general terms, asks for a Commission for inquiry into the various methods of bringing about a juster measure of distribution of political power with the view of securing a more complete representation of the people. I also pointed out, two years ago, that there was no understanding in 1868 that this subject should not be re-opened, and that, indeed, there was, on the contrary, an understanding that partially, at all events, it should be re-opened, and that very speedily indeed. The Conservative Government in 1868 itself actually proposed the disfranchisement of the small Irish boroughs and the increase of the county representation in Ireland. That proposal, however, suffered the fate which many of the proposals of the year underwent. The House of Lords, although they were dealing with a subject in respect of which I think they felt a certain nervousness, nevertheless professed, through their leading Members, that the re-distribution scheme could not last. Lord Granville said it could not last three years. Lord Halifax moved a Resolution declaring the re-distribution scheme wholly inadequate, and obtained 59 votes in a small House. Lord Grey proposed to secure 23 more seats from the small boroughs, and was only beaten in the House of Lords by 98 to 86. It is on a suggestion of Lord Grey that I raise the subject once again. After the discussion upon my Motion two years ago, Lord Grey wrote a long letter to *The Times*, in which he strongly advocated inquiry into the subject by a Royal Commission. He pointed out, with great force and great truth, that while everyone admitted that the anoma-



lies were frightful and that something ought to be done to diminish them, hardly any two people agreed as to what plan for remedying them should be adopted. He showed that some were favourable to a mere chopping-up of the constituencies—that, on the other hand, the principle of allowing minorities by means of the cumulative vote, or otherwise, to obtain a share of political power was gaining ground in public opinion—that as regarded this very idea itself, the best mode of applying it was far from being ascertained—that among those who more or less shared the views of Mr. Hare there was a general belief that the difficulties of his scheme were very great, and ought to be examined without delay. Now, there can, I think, be no doubt in the mind of any impartial man, that Lord Grey's statements were perfectly and entirely sound; and, if that admission is once made, it becomes clear that a strong case has been established in favour of inquiry. The summary of that case is this:—That men of all parties are agreed that the anomalies of our representative system are exceedingly great and ought to be abated; that the country is indisposed to sudden and hasty action, and therefore the time has not come for immediate legislation; that, moreover, there exist a number of competing schemes for the removal of the anomalies, each of which has active partizans whose opinions have never yet been sifted by careful and skilful examination. I hold in my hand a letter from Mr. Hare, for instance, in which he reminds me that when the subject of Parliamentary elections was inquired into by a Select Committee of this House, the Chairman refused to take evidence upon the representative system on the ground that it was outside the scope of the already large inquiry. Again, upon the discussion of the Parliamentary Elections Bill, the Chairman ruled out of Order the elaborate Amendments of Mr. Morrison, which, again, would have raised a discussion upon the point. My hon. Friend the Member for Hackney, who is to second the Motion that I make, will deal with other proposals, and with the need that exists for inquiry into them, when he speaks, and I will only say of them that a time of quiet like the present is the only time when plans such as these can possibly obtain the impartial and, I may say, the

scientific inquiry and treatment which they need. When the Conservative Party is in power, Liberals and Radicals in the constituencies unite, and unite upon some cry. In the course of a few years they return to power, and the war-cry becomes a policy, and it is too late to begin to point out how the reform upon which the country has set its heart could have been accomplished in a better way. The next cry raised will probably be a cry for equal electoral divisions in some form or other, and, as Lord Grey showed, the Conservative Party will only have itself to blame if, by refusing calm and deliberate inquiry now, it should cause an imperative demand for hasty or for ill-considered change. The case in favour of inquiry is so strong, that the only danger which its advocates can run is that of weakening it by repetition. The only question which can be seriously discussed is that of the character of the body by which inquiry should be conducted. The time of Members of the House of Commons is already taken up by a vast number of Select Committees, and while any Commission appointed upon this subject would, of course, contain some Members of this House, it would not need the services of so many as 21 or 23. Moreover there are some of the Peers peculiarly qualified to sit to hear evidence and to report upon those points. By having recourse to a Select Committee rather than to a Royal Commission, we should lose the advice and assistance of men like Lord Halifax and Lord Grey; but whatever be the plan of inquiry adopted, that which I think must be clear indeed is that it should take place at once. The Conservative Party know how the subject of reform was thought to have been put aside for years in the quiet which followed 1860; yet, there are many, even in a triumphant Conservative majority, who, looking both to the future and to the past, are still of opinion that it might have been better for the country, and better even for the Party to which they themselves belong, that inquiry should have preceded the hurried legislation of 1867 and 1868. When the Conservatives carry the majority of the divisions of the great counties of Lancashire, Middlesex, and Kent, and when they hold their own in Yorkshire—when, turning to the boroughs, they carry Marylebone and

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Manchester as well as Liverpool—they need have no fear about steps in the direction of giving the intelligent voter in the large communities a power equal to that possessed by the voter in constituencies such as those which some time ago I named. A country like England will not long permit the public scandal which our present system must produce:—for instance, such a satire upon representative institutions as the universal admission by the Press, that with Westminster at Motcomb, Shaftesbury is hopeless for a Liberal, and that with Lord Richard Grosvenor at Motcomb it would be hopeless for a Conservative; nor can men of intelligence be expected to put up long with such advertisements as those which appear daily in our leading journals of which the following is a specimen, which I cut lately from *The Times*:—

“To merchants retiring from business, and wishing for a seat in Parliament. A first-class Irish estate of 5,000 acres, carrying the representation of a borough in the House of Commons.”

Those must have misread the history of the country, who think that England will tolerate the grievance now any more than she tolerated it in 1832. The right hon. Gentleman opposite, who has never feared the English democracy and who has the magnificent past of the settlement of the lines of the franchise, might well be praised if in the future he should also lay down the principles which are to regulate our dealings with re-distribution of political power. The hon. Baronet concluded by moving his Resolution.

Mr. FAWCETT, in seconding the Motion, said, he agreed in thinking that it was not only necessary to prove the existence of inequalities and anomalies, but also to prove that such anomalies and inequalities, instead of curing themselves, were increasing. As far as the boroughs were concerned, the increase in the population was taking place in towns at present unrepresented in Parliament, while in boroughs which were, in his view, unduly represented, the population was either stationary or retrogressive. It might, at first sight, be supposed, because there was an emigration from the country to the town districts, that so far as the counties were concerned, the admitted inequality in their representation was diminishing; but a

moment's consideration would show that this was not so. In Yorkshire, there were scattered over the country great and increasing boroughs, which were at the present moment unrepresented, and those boroughs were constantly adding their quota to the town population. Many of the counties were in this way liable to be swamped by town voters, so that the county Members would cease to represent the rural population of England. In one division of East Sussex there were about 10,000 electors, and of these no less than 35 per cent derived their qualifications from Parliamentary boroughs, whilst about 10 per cent were living outside the county altogether. In South West Lancashire no less than 25 per cent of the entire county constituency was supplied by persons who had qualifications in the one Parliamentary borough of Liverpool. If the county constituencies should be enlarged, this inequality would largely increase. It was such reasons as these that induced hon. Members on both sides of the House to say that if there should be an enlargement of the suffrage, the present inequalities would be so enormously increased that it would be necessary to have a comprehensive scheme for the re-distribution of seats. There was a great and important distinction between the two measures. To extend the suffrage would be an extremely simple matter; but there could be few things more difficult than to frame a proper and just measure for the re-distribution of seats. This being so, it was much better that the preliminary steps towards such an object should be taken in a time of political peace like the present, than that the matter should be postponed to a time of heat and tumult. There were two distinct schools of thought in reference to this question. One class believed that the inequalities complained of would be best remedied by the formation of equal electoral districts; others thought the remedy was to be found in a system of voting, by means of which, every important section of opinion in a great constituency would have a chance of being represented. To equal electoral districts there were these objections—that they would make the representation of great constituencies more local in their character, that only local majorities would be represented, and that as the different districts in-

creased, re-adjustment would have to be constantly going on—a process which would no doubt give rise, as in America, to a great deal of election trickery. In the State of Illinois, a few years ago, the system of equal electoral districts was tried and abandoned, and a more satisfactory plan devised, which was to divide the State into constituencies returning three Members each, and to allow each elector to vote for only one candidate. Cumulative voting, again, had the very serious disadvantage of allowing a great waste of voting power, when a popular favourite had an enormous majority heaped upon him, and also of making it possible for an actual majority to be in a minority at the poll. Now, the purpose of an inquiry would be to discover some means of preventing a waste of voting power, and, at the same time, of giving every section of opinion its due share of representation. When he first entered the House, all of the 16 Members for the Metropolis were Liberals; and the result was the same as if from Notting Hill to Greenwich and from Hampstead to Lambeth there was not a single Conservative to be found. No one could say that that was a fair and adequate representation of London. What he wished to secure was absolute supremacy to the majority, and, at the same time, a guarantee that the minority should have the opportunity of being heard. The Prime Minister, in speaking on this subject last year, attempted to alarm the House by saying that the redistribution of political power would be accompanied by the disfranchisement of boroughs of less than 40,000 inhabitants. But nothing like that was proposed. Instead of disfranchising small boroughs, he (Mr. Fawcett) desired to see them grouped together, with the addition of some of the larger towns which, as yet, had no representation; and, if this were done, the present borough representation would be preserved in all its vigour, the small boroughs would be freed from local influence of a pernicious kind, the present inequality of the county representation would be redressed—the county regaining its distinctive rural character—and, lastly, additional Members would be obtained to bestow upon the larger boroughs and counties. By this means he believed we might make considerable progress towards equality, without the

wholesale scheme of disfranchisement which the Prime Minister had hinted at. His object in speaking had not been to advocate any particular system of representation, but to show the importance of the proposed inquiry. The great end of political reform was to interest as large a number of the people as possible in the affairs of the State, and to make that House a true reflex of the wishes, wants, and hopes of the entire nation.

#### Motion made, and Question proposed.

"That it is the duty of Her Majesty's Government to cause inquiry to be made into the various methods of bringing about a juster distribution of political power, with a view of securing a more complete Representation of the People."—(*Sir Charles W. Dilke.*)

MR. DISRAELI: Sir, like the hon. Gentleman who has just spoken, I have already spoken this evening, and therefore on this occasion I will not address you at any length. The address of the hon. Baronet, which was well considered, appeared to me to be founded on the principle that there is no feeling at present in the people of this country for any further Parliamentary change; and, under these circumstances, the hon. Baronet suggests to us the advisableness of preparing for the future by the convenient machinery of investigation under the authoritative form of a Royal Commission. I understood the hon. Baronet that the reason he assigns for this Motion is that on previous occasions when Parliament was called upon to consider these questions it was not prepared for the task, neither under the Government of Earl Russell in 1866 nor under the Government with which I was connected. I must say, in defence of my Predecessors, although I did not at all agree to the measures which they produced, I did not see any symptoms of their being unprepared. They appeared to me to be armed with a considerable mass of evidence and with the fruits of great researches; and when I myself acceded to office, and my mind was directed to the consideration of the same question, I must say I found that in the public offices—and especially in the office of the Poor Law Board, which had furnished the machinery used by my Predecessors to accumulate facts and conduct inquiries on the subject—there was a mass of evidence which I believe was quite unexampled in the history of this

country; and whatever mistakes may have been made by the Administration which was responsible for the Acts of 1867-8, it cannot be pretended for a moment that those mistakes were due to deficiency of information. So far as I could collect the views of the hon. Baronet, he appears to me to found his demand for inquiry principally upon the existence of anomalies in our Parliamentary Constitution. These anomalies, he says, are universally acknowledged, and therefore, although there may not be a public opinion at the present moment which demands improvement of change, he counsels us that it is necessary to avail ourselves of the interval to obtain the information which is necessary for dealing with them. But, after all, the case of the hon. Baronet on the subject of anomalies does not appear to me to be a very happy one. He says that in 1832 the country determined to deal with these Parliamentary anomalies. Well, to deal with the anomalies that existed in 1832 required no trifling measures. I do not suppose England had ever been, from a civil cause, more agitated than it was in its attempt—in its determined effort rather—to terminate the Parliamentary anomalies that flourished in 1832. But what says the hon. Baronet? He says we have arrived at the year 1875, and, to his great disappointment, he finds the anomalies have increased. Therefore, if we failed in 1832, and in 1867-8, I want to know what prospect there is of our succeeding in the present period? The fact is, anomalies have always prevailed in the Parliamentary Constitution of England. The hon. Baronet will not deny that; no one will on either side of the House; but the Parliamentary Constitution of England is the only Parliamentary Constitution that has ever continued. Such anomalies as the hon. Baronet referred to existed when James I., to mitigate them, summoned boroughs to Parliament, and terminated, without the intervention of Schedule A, the influence of a number of boroughs. Yet the Parliament of England established in that reign and in the succeeding reigns the liberties of England; and it was by Parliamentary anomalies that you founded—at least established—the Constitution of this country to which we are all so indebted. No one can deny that from that period to the present, on the

whole, the course of this country has been a course of progress. You have dealt with questions of political liberty and commercial liberty and many other subjects that interest and agitate the human mind, and you have dealt with them by the agency of this Parliament of anomalies. Therefore, when I find we have achieved such greatness by Parliamentary anomalies—and the hon. Baronet confesses that the great Reform movement of 1832 was designed to put an end to Parliamentary anomalies, and that they flourish now more than they did at that period—I hope the hon. Baronet will not be offended if I am not sanguine that the new movement he recommends, in my opinion, may yet disappoint the expectations of this country. The fact is this—that in an ancient country and under an ancient Constitution like ours you cannot get rid of anomalies, which are historical results produced as time goes on by the varying temper and circumstances of the country. What you want is this—when an anomaly is proved to be an abuse you should get rid of it, and that is what you have done. The hon. Baronet appeared to indicate the lines of a new Reform Bill; what are these? We have to wait for it; but it is founded upon three principles—equality of franchise, re-distribution of seats, and representation of minorities. Well, I would say upon that statement that equality of franchise does not require any very great scientific knowledge. If you determine to have equality of franchise you do not require the researches of philosophers to assist you. It is a rough but simple process, and it requires only will on the part of the Ministry and determination on the part of the country. If you come to a re-distribution of seats, that is a minor affair; it is an affair for a Boundary Commission; we do not want a Royal Commission existing for an indefinite period to accomplish that task. If you want England to be mapped out like a chessboard, with a number on every square, I will be bound to say I could attain that result with the assistance of some hon. Members of this House to whom I have appealed to perform similar tasks. We want no finessing either on the subject of the equality of franchise or of a large re-distribution of seats, although the one may require more labour than the other in dealing with it.



The other feature of the new Reform Bill—the representation of minorities—is of a different character. The country is not at all decided upon the subject generally. The hon. Baronet will admit that. But there are a great many schemes of which the representation of minorities is the principle, though all varying in the suggestions by which that principle is to be carried into action. Then, to what does this call for a Royal Commission to inquire into the representation of minorities amount? It means to say that a number of clever, thoughtful men—that different schools of clever, thoughtful men—men who, I hope, will not be offended if I describe them as *doctrinaires*, because that is a title which was once held to be one of high honour among the greatest scholars and philosophers of this century—that they have a variety of schemes, all varying, but founded on the principle of the representation of minorities. They cannot agree among themselves; they do not contend that any of them have created a public opinion in the country that gives a colour to any particular scheme which is brought forward; and therefore they want a Royal Commission to inquire which of those schemes is most entitled to public confidence. That is a proposition which, when brought forward by a man of the ability of the hon. Member for Chelsea, and recommended as he has recommended it, deserves, no doubt, the consideration of this House in debate; but no one can for a moment suppose that that is an indication of a state of feeling which demands the practical dealing of Parliament. The question is not ripe—if it ever does become ripe—for Parliament to consider; and to-night we have really all our old friends, with one exception, in a new face. All those philosophical views of the hon. Baronet, whether they refer to the franchise or to the re-distribution of seats, are part of the old stock of the Parliamentary speculator. The one exception relates to the representation of minorities; and, as to that, the hon. Baronet himself confesses that there is no scheme for the representation of minorities which he can recommend for adoption by Parliament. He says there are a variety of schemes; they are to be found in every Magazine and every Quarterly Review. Why, men set up Magazines and Quarterly Reviews in order to propound those

schemes. And we are to have a Royal Commission for the purpose of discovering which of them is the least devoid of practical genius. We are to have the existing anomalies inquired into by a Royal Commission, which if it arrives at a practical result that it can recommend to Parliament for the representation of minorities must lead to very long deliberation. Conceive all this time how the anomalies will be spreading! The hon. Baronet says they are like mushrooms. Notwithstanding Lord Grey's measure and the other changes that have been introduced in the interval, there are more anomalies in our Constitution than ever. And will not these anomalies go on increasing at the same rate? Of course, according to the hon. Baronet's views, they naturally will. The name of a borough of importance, which is not represented, has been mentioned—that of Barrow-in-Furness. That borough has sprung up within a few years, and since there was a Parliamentary Reform Bill. We all know it is a centre of vast activity, intelligence, and enterprise. It is not represented. Well, is it not quite clear that if you go upon this principle of always removing Parliamentary anomalies, you must have, not a Royal Commission of Inquiry only, but a Royal Commission of Parliamentary Revision in the country. I will not say that Commission will be like the Barristers who revise the lists of voters every year, but you must have it periodically revising the Constitution, in order to remove anomalies and to adapt existing circumstances clearly, finally, and completely to the machinery of the Constitution. Well, I much object to that. I think that is a power which, in the hands of a strong Government, might be the source of great peril; and I prefer the older system, which leaves anomalies to settle themselves in time, but which permits the country to grow in freedom, in wealth and in power, to a political system which is to be revised every five or ten years under the influence of the Government of the Sovereign. There is another point which struck me when the hon. Baronet and his Seconder addressed us. It was, indeed, difficult to ascertain upon what ground the hon. Member for Hackney supported the Motion of the hon. Baronet. The hon. Member for Hackney

objected to equal electoral districts. He objected to the Cumulative Vote — at present the most popular mode of representing minorities.

MR. FAWCETT: I did not object to the Cumulative Vote, but I said it was not a perfect scheme.

MR. DISRAELI: The hon. Gentleman says he did not object to the Cumulative Vote, but only said it was not a perfect scheme. Well, but then I thought that the hon. Member for Hackney and the hon. Baronet were politicians who never brought up anything but perfect schemes. I thought the observations of hon. Member for Hackney were directed against the destruction of small boroughs, and if you approve of the scheme of the hon. Baronet, you would suppose he was in the early Parliament of 1832 opposing some Reform Bill that was brought forward by the Administration of that day. I did not understand from the hon. Baronet that he so decidedly objected to the new scheme generally proposed by the hon. Member for Hackney. I think I heard that he was in favour of a Commission, of which Lord Grey and Lord Halifax should be Members. Well, I think that would be a very safe Commission. I do not think so far as I can form an opinion on public affairs, that the Constitution would be in danger under an investigation and scrutiny conducted by those eminent statesmen. But, after all, what is and what must be the practical result of investigations of this kind if they end in an approval of anything like equivalent changes? and, of course, they must be intended in time to lead to equivalent changes, or else the hon. Baronet the Member for Chelsea would not make the proposition which he has submitted. What is aimed at is to break up the old borough system of representation in this country. Well, that is a serious affair. How much of the character of this country depends upon its system of borough representation? How many of the great deeds which have been accomplished in this country have been accomplished by our borough representation? Is it likely that we should have reached the point which we have attained in political civilization without the borough representation? You may find a substitute for it—you may create equal electoral districts, and a general constituency of of the same monotonous character—but

that variety of energy which has distinguished the history of England will, I think, be wanting; and, at any rate, until we can see something substantial placed before us which we can accept as a possible substitute for the present Parliamentary system of this country, I cannot doubt but that the people will hesitate long before they consent to any change. I cannot support the Motion of the hon. Baronet. I do not think there is any necessity for inquiry upon these subjects. Upon two of the great divisions I have mentioned—equality of franchise and re-distribution of seats—I think we have all the information already in our possession which it would be necessary to deal with if action were contemplated. And as to the third—the representation of minorities—I do not think that a Royal Commission on such a question would be likely to arrive at happier results than the meditation of philosophers, the writings of eminent men, and those authors who have given the deepest thought and research to the subject, and who, by the communication and expression of their ideas, excite in the public mind that intellectual controversy from which truth arises, and by which alone truth can be produced. I would not consign this great subject, on which public opinion is not in any way matured, and which is engaging the attention of the greatest authors and the highest philosophers, to the machinery of a Royal Commission. There is no necessity for taking such a step. I ask the House not to sanction it; and, although I am not one of those who pretend that the Parliamentary Constitution of England can remain unchanged—though I doubt not that in the course of time it will be modified by the changing circumstances of the country—yet I would always to the very last, even when I counselled or advised change, keep as well as I could to the old lines. I would not forget the traditions of the country, and I would remember under all circumstances that it is not well to surrender, for what, after all, may be the vagary of philosophers, a Parliamentary system which has raised this country to the highest glory, and certainly is the admiration of the world.

MR. GOSCHEN trusted that the right hon. Gentleman the Prime Minister would not think him wanting in courtesy if he said a few words at this stage of the debate. He would have

Risen after the hon. Baronet the Member for Chelsea and the hon. Member for Hackney if he had not thought that anything he might have added to their speeches would be surplusage. Under the circumstances, he had determined to wait till some Member on the other side of the House had spoken. The right hon. Gentleman the Prime Minister had, it seemed to him, scarcely done justice to the speeches of the hon. Members. In the first place, he had treated the case as if it had been the chief object of those speeches to insist upon a Royal Commission; whereas the gist of them was, not that a particular mode of investigation should be adopted, but that a timely inquiry should be made with regard to changes which they deemed desirable. The right hon. Gentleman seemed to have forgotten a large question which occupied the House not a fortnight ago, and on which last Session he himself made a most important speech. It would seem that the question of the county franchise, with the proposal to admit 1,000,000 into the Constitution, was held by the Prime Minister to be one which need not now be taken into account, although the right hon. Gentleman said last year that that 1,000,000 of agricultural labourers were deserving of the franchise, and pointed out as his only objection to their admission the large changes which must follow the anomalies that would arise if they were admitted. The hon. Members for Hackney and for Chelsea had pointed out the necessity that must arise for a re-distribution of seats when the franchise was enlarged, and in doing so they had only followed the example of the right hon. Gentleman himself, who had pointed out with great elaboration the precise re-distribution which must take place. The right hon. Gentleman said that they had sufficient information before them to enable them to deal with this subject. But he had also understood the right hon. Gentleman to say that in 1867, when his Government was approaching the subject of reform, the House had at that time adequate information on that question, and yet the right hon. Gentleman's Government had been obliged to drop within a few weeks many of the provisions which they had added to their Reform Bill. The gist of the hon. Members' speeches to-night was that we ought not to be hurried into

another "10 minutes' Reform Bill." There was a celebrated occasion on which a right hon. Gentleman, once a Member of that House, had informed his constituents that a Government Reform Bill had been adopted and dropped within the short space of 10 minutes; and what the people of this country would demand was that the House should not again drift into a question of this kind without the greatest possible circumspection. The speeches of the hon. Members for Hackney and Chelsea had done good service in calling attention to the classes of questions which must arise when further inevitable political changes occurred. Who could say what political changes must ensue when another 1,000,000 of electors were added to those who already possessed the franchise? And was it to be supposed, as had been stated by the right hon. Gentleman, that such changes could be brought about without further inquiry? The object of the Motion of the hon. Baronet was to point out that it was the duty of the present Government to lay sufficient information before the House as to the effect of the changes in our Constitution that must occur before long. The right hon. Gentleman had spoken of the principle of the representation of minorities as though it had not already been introduced into the Constitution. It was, however, a part of our Constitution at the present time, and that principle had been carried out to a certain extent. He (Mr. Goschen) was opposed to that principle, and he was not converted to it by the fact that he owed his position in that House in some degree to that principle. He doubted, however, whether the House had sufficient information on the subject. Had it been ascertained, for instance, what had been its effect in various towns? had it borne good fruit? had it prevented contests when contests ought to have taken place? had it thrown power too much into the hands of election agents? These were all proper subjects for inquiry; and if in the future there was to be representation of minorities, it seemed to him to be all important that Parliament should know how the system worked. Again, everyone would admit that it was desirable to include within the franchise many who were now outside of it; but they would also see the advantage of being able to forecast with some certainty what the pro-

*Mr. Goschen*



bable effect of extending the franchise would be upon future legislation. Parliament had now to deal with an increasing number of social questions, which were more or less complicated, and was often called upon to act as arbitrator between different classes of the community, in addition to having thrown upon it a considerable amount of philanthropical legislation; and it was impossible that their increasing duties could be adequately discharged without further information as to the effect upon such questions which a widening of the franchise would have. He ventured to say to hon. Gentlemen opposite that what the philanthropist gave one day to the masses as a gift and a boon, the democrat might probably demand the next day as a right. Parliament had come to deal with questions which affected interests which it used not to touch. Formerly it was considered the duty of Parliament to leave the community to manage its own affairs as much as possible, and to confine itself mainly to the maintenance of order and the voting of the Estimates. Now, however, Parliament entered into almost every condition of life, and legislated on subjects of a different character. Looking at the effect of the lowering of the franchise side by side with the changed tendency of Parliament, the House would do well to inquire what would be the result of its composition of a mere numerical supremacy in every borough and county. Very thoughtful men, although the right hon. Gentleman sneered at them as philosophers, who foresaw that changes must come, considered it desirable to ascertain what arrangements would be suited to the changed circumstances of the time. In his judgment, the right hon. Gentleman, with his usual good humour, treated too lightly the very serious questions raised by his hon. Friend. On one point, however, he agreed with the right hon. Gentleman. He did not think a Royal Commission would be the best body to make an inquiry such as had been discussed. The Commissioners would be few in number, and their political colour might give a bias to their Report. Still, his hon. Friend had done good service by the course he had taken; and, considering that the Motion was not a demand for any particular form of inquiry, but merely an assertion of the principle that

inquiry ought to precede constitutional changes, he should have great pleasure in supporting the Motion of his hon. Friend.

Question put.

The House divided:—Ayes 120; Noes 190: Majority 70.

# CANADA COPYRIGHT BILL. [Lords.]

(Mr. James Lowther.)

[BILL 246.] SECOND READING.

Order for Second Reading read.

MR. J. LOWTHER, in moving that the Bill be now read a second time, said, its object was to enable the consent of Her Majesty in Council to be given to an Act passed by the Canadian Parliament, regulating copyright in that country.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. J. Lowther.)

MR. E. JENKINS expressed his opinion that a measure of this kind ought not to be introduced until the Commission appointed to inquire into the Law relating to Copyright had reported.

Motion agreed to.

Bill read a second time, and committed for Monday next.

# LUNATIC ASYLUMS (IRELAND)

BILL—[BILL 189.]

(Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland.)

COMMITTEE. [Progress 8th July.]

Bill considered in Committee.

(In the Committee.)

Clause 9 agreed to.

Clause 10 (Amendment of 30 & 31 Vict. c. 118, s. 10, as to payment to medical officers for examination of lunatics).

CAPTAIN NOLAN moved that the Chairman report Progress.

SIR MICHAEL HICKS-BEACH appealed to the hon. and gallant Member not to press his Motion.

Motion, by leave, withdrawn.

MR. BRUEN moved a new clause, to the effect that the contributions at present given by the Treasury be extended beyond the existing amount.

SIR MICHAEL HICKS - BEACH, in opposing the clause, said, there was no statutable law existing with regard to these contributions; and, therefore, if the Government were at any time able to increase them, no clause would be necessary to warrant such an extension as the hon. Member desired.

Bill *reported*; as amended, to be considered *To-morrow*, at Two of the clock.

## REGISTRATION OF TRADE MARKS

BILL. [Lords.] [BILL 242.]

(Mr. Cavendish Bentinck.)

## SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(Mr. Cavendish Bentinck.)

Motion made, and Question proposed, "That the Debate be now adjourned."—(Mr. Eustace Smith.)

Motion, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* to a Select Committee.

And, on July 19, Committee *nominated* as follows:—Mr. ARTHUR PEEL, Mr. BIRLEY, Mr. PEASE, Mr. WHEELHOUSE, Mr. ARTHUR BASS, Mr. WHITWELL, Mr. SAMPSON LLOYD, Mr. JACKSON, Mr. HERMON, Mr. WILLIAM HOLMES, Mr. MUNDELLA, Sir HENRY WOLFF, Mr. CAVENDISH BENTINCK:—Five to be the quorum.

PUBLIC RECORDS (IRELAND) ACT, 1867,  
AMENDMENT [EXPENSES].

*Considered* in Committee.

(In the Committee.)

*Resolved*, That it is expedient to authorize the payment, out of moneys to be provided by Parliament, of all Expenses incurred by or by order of the Master of the Rolls in the execution of any Act of the present Session for amending "The Public Records (Ireland) Act, 1867."

Resolution to be reported *To-morrow*, at Two of the clock.

House adjourned at a quarter after  
Two o'clock.

## HOUSE OF LORDS,

*Friday, 16th July, 1875.*

MINUTES.]—PUBLIC BILLS—*Second Reading*—  
National Debt (Sinking Fund) \* (178).  
*Report*—Artizans Dwellings (Scotland) \* (202).

*Third Reading*—Public Health \* (200); Local Government Board's Provisional Orders Confirmation (Bromley, &c.), *now* Local Government Board's Provisional Orders Confirmation (Leyton, &c.) \* (149), and *passed*.

## ARMY—THE FIRST-CLASS ARMY

## RESERVE.—RESOLUTIONS.

THE EARL OF GALLOWAY rose to move the Resolutions of which he had given Notice relating to the First-Class Army Reserve and Militia. He said he had not brought forward the Motion from any hostility to the Government, but on account of a special point to which he wished to direct the attention of their Lordships, and which was that, in consequence of a Regulation which was made some two years ago, but which would not be practically put in force till next October, every Militia regiment was threatened with the loss of its adjutant and part of its permanent staff. That, in his opinion, would seriously affect the Army, because they had, under existing conditions, but a very small force of Infantry. Beyond that, the Reserve Force being a mere paper Force, that was an unfortunate moment to adopt a course which he believed would tend to disorganize their Militia. The late Secretary for War introduced three changes with regard to the Army—first, the abolition of the sale and purchase of officers' commissions; secondly, a short service system, and with it the proposed formation of Reserves; and, thirdly, what he (the Earl of Galloway) might call localization. It was not those principles that he wished to attack, but only the details, which he thought were not satisfactory. As to the abolition of purchase, he would venture to make this remark, that if this country wished to spend annually a-third of a million merely in that respect, he thought it would be willing to spend at least a sum equal to that in order to keep the Army in a state of sufficient efficiency. As regarded, indeed, the principle of short service, he was never an opponent to it; but the difficulty which he had always experienced in regard to it was this—and he had never heard the problem solved—how, under such a system, they were to keep up the Indian reliefs? He did not think it would have taken; but, contrary to his expectation, it had, to a very great degree, and he rather feared

the consequences. The short service system might be very good if they waited till they really had a Reserve from which to fill up the ranks of the cadres; but until its effect could be thoroughly gauged, he was satisfied they ought to postpone the establishment of the cadre system, which meant the attenuation of battalions, until their First Class Army Reserve had attained a considerably higher numerical strength than that at which it at present stood. There was now no public Reserve from which the battalions could be filled up, and although it was true that we had a certain number of Militia Reserves, yet he should rather treat them as part of the Militia, and be very much doubted whether it would be wise to count upon the Militia Reserve men as men to be sent immediately into the ranks of the Army. They should rather be looked upon as the force which could be called upon to supply the loss by casualties after the first two or three weeks or months of war. What was the remedy for the existing state of things? He knew of no other remedy except to attempt to fill up the ranks of the Army and to keep them full. The present Secretary for War, when dealing with the Army Estimates this Session, admitted that our Reserves were not yet in a condition to fill up the cadres, and he also admitted it was possible that some Continental complication might arise which would require the services of our Army abroad in aid of an ally in consideration of our national honour. As to our Cavalry and Artillery, he did not wish particularly to refer to those services, but he doubted whether the effect of introducing the short service system was satisfactory, for 780 men had enlisted in the former and 772 in the latter under that system. They were told by the Secretary of State for War with regard to the Regular Infantry that the force available for foreign service numbered 28,791 men, to whom must be added 25,000 of Militia Reserves who would be available, if necessary, to recruit the Regular troops. He thought the last estimate was too high, and that a deduction of 15 per cent must be made owing to various causes, including sickness, so that the total numerical strength of our military force available for foreign service would amount to about 51,000 effective men. That was a small force, but

the Secretary of State for War calculated that other 25,000 men could be raised in different parts of the country from the ranks of discharged soldiers and old Militiamen. This estimate might be accurate, but he doubted very much the advisability of drafting this class of men into the Regular Army for foreign service. Their presence would, in his opinion, have the effect of marring the courage of the Regular troops. Further, the estimate made by the Secretary of State for War as to the First Class Army Reserve related rather to the future than the present. That Force might, in time, reach the 20,000 men estimated as its total strength, but at the present moment it was not more than 7,000, and as Europe was bristling with bayonets it would not be wise to rely upon being able at any moment to bring this Force into active service. If the Secretary of State for War did so, he might depend he was leaning upon a broken reed. It had been suggested in some quarters that England should enter into a triple alliance with two European Powers in order to secure the maintenance of peace between other two European nations. Without saying anything as to the policy of such an alliance, he held, that England could not usefully enter into it with so small a Force as she had available for foreign service. He therefore thought it would be wise to look the question boldly in the face and submit to an increased expenditure in order to keep up the Regular Army until such time as the Reserves were sufficiently numerous to meet the requirements. The question then arose, how was the Regular Force to be kept up? It seemed to him the answer was the re-introduction of the long-service system and the inducement to men to enlist for long service by increased pay, the increased pay to be made to the men who, after the two years' preliminary service, should choose to enlist for a long period, at an increased rate; payment to be deferred till the end of the service, when a sufficient inducement and the accumulated pay might take the place of a pension, except in the case of soldiers retiring in consequence of wounds. At present under the short-service system, the desertions in one year, according to the last Report of the Inspector General, numbered 5,000. It was calculated that the loss involved to the State by every desertion



risen after the hon. Baronet the Member for Chelsea and the hon. Member for Hackney if he had not thought that anything he might have added to their speeches would be surplusage. Under the circumstances, he had determined to wait till some Member on the other side of the House had spoken. The right hon. Gentleman the Prime Minister had, it seemed to him, scarcely done justice to the speeches of the hon. Members. In the first place, he had treated the case as if it had been the chief object of those speeches to insist upon a Royal Commission; whereas the gist of them was, not that a particular mode of investigation should be adopted, but that a timely inquiry should be made with regard to changes which they deemed desirable. The right hon. Gentleman seemed to have forgotten a large question which occupied the House not a fortnight ago, and on which last Session he himself made a most important speech. It would seem that the question of the county franchise, with the proposal to admit 1,000,000 into the Constitution, was held by the Prime Minister to be one which need not now be taken into account, although the right hon. Gentleman said last year that that 1,000,000 of agricultural labourers were deserving of the franchise, and pointed out as his only objection to their admission the large changes which must follow the anomalies that would arise if they were admitted. The hon. Members for Hackney and for Chelsea had pointed out the necessity that must arise for a re-distribution of seats when the franchise was enlarged, and in doing so they had only followed the example of the right hon. Gentleman himself, who had pointed out with great elaboration the precise re-distribution which must take place. The right hon. Gentleman said that they had sufficient information before them to enable them to deal with this subject. But he had also understood the right hon. Gentleman to say that in 1867, when his Government was approaching the subject of reform, the House had at that time adequate information on that question, and yet the right hon. Gentleman's Government had been obliged to drop within a few weeks many of the provisions which they had added to their Reform Bill. The gist of the hon. Members' speeches to-night was that we ought not to be hurried into

another "10 minutes' Reform Bill." There was a celebrated occasion on which a right hon. Gentleman, once a Member of that House, had informed his constituents that a Government Reform Bill had been adopted and dropped within the short space of 10 minutes; and what the people of this country would demand was that the House should not again drift into a question of this kind without the greatest possible circumspection. The speeches of the hon. Members for Hackney and Chelsea had done good service in calling attention to the classes of questions which must arise when further inevitable political changes occurred. Who could say what political changes must ensue when another 1,000,000 of electors were added to those who already possessed the franchise? And was it to be supposed, as had been stated by the right hon. Gentleman, that such changes could be brought about without further inquiry? The object of the Motion of the hon. Baronet was to point out that it was the duty of the present Government to lay sufficient information before the House as to the effect of the changes in our Constitution that must occur before long. The right hon. Gentleman had spoken of the principle of the representation of minorities as though it had not already been introduced into the Constitution. It was, however, a part of our Constitution at the present time, and that principle had been carried out to a certain extent. He (Mr. Goschen) was opposed to that principle, and he was not converted to it by the fact that he owed his position in that House in some degree to that principle. He doubted, however, whether the House had sufficient information on the subject. Had it been ascertained, for instance, what had been its effect in various towns? had it borne good fruit? had it prevented contests when contests ought to have taken place? had it thrown power too much into the hands of election agents? These were all proper subjects for inquiry; and if in the future there was to be representation of minorities, it seemed to him to be all important that Parliament should know how the system worked. Again, everyone would admit that it was desirable to include within the franchise many who were now outside of it; but they would also see the advantage of being able to forecast with some certainty what the pro-

*Mr. Goschen*

bable effect of extending the franchise would be upon future legislation. Parliament had now to deal with an increasing number of social questions, which were more or less complicated, and was often called upon to act as arbitrator between different classes of the community, in addition to having thrown upon it a considerable amount of philanthropical legislation; and it was impossible that their increasing duties could be adequately discharged without further information as to the effect upon such questions which a widening of the franchise would have. He ventured to say to hon. Gentlemen opposite that what the philanthropist gave one day to the masses as a gift and a boon, the democrat might probably demand the next day as a right. Parliament had come to deal with questions which affected interests which it used not to touch. Formerly it was considered the duty of Parliament to leave the community to manage its own affairs as much as possible, and to confine itself mainly to the maintenance of order and the voting of the Estimates. Now, however, Parliament entered into almost every condition of life, and legislated on subjects of a different character. Looking at the effect of the lowering of the franchise side by side with the changed tendency of Parliament, the House would do well to inquire what would be the result of its composition of a mere numerical supremacy in every borough and county. Very thoughtful men, although the right hon. Gentleman sneered at them as philosophers, who foresaw that changes must come, considered it desirable to ascertain what arrangements would be suited to the changed circumstances of the time. In his judgment, the right hon. Gentleman, with his usual good humour, troated too lightly the very serious questions raised by his hon. Friend. On one point, however, he agreed with the right hon. Gentleman. He did not think a Royal Commission would be the best body to make an inquiry such as had been discussed. The Commissioners would be few in number, and their political colour might give a bias to their Report. Still, his hon. Friend had done good service by the course he had taken; and, considering that the Motion was not a demand for any particular form of inquiry, but merely an assertion of the principle that

inquiry ought to precede constitutional changes, he should have great pleasure in supporting the Motion of his hon. Friend.

Question put.

The House divided:—Ayes 120; Noes 190: Majority 70.

CANADA COPYRIGHT BILL. [Lords.]

(*Mr. James Lowther.*)

[BILL 246.] SECOND READING.

Order for Second Reading read.

MR. J. LOWTHER, in moving that the Bill be now read a second time, said, its object was to enable the consent of Her Majesty in Council to be given to an Act passed by the Canadian Parliament, regulating copyright in that country.

Motion made, and Question proposed. "That the Bill be now read a second time."—(*Mr. J. Lowther.*)

MR. E. JENKINS expressed his opinion that a measure of this kind ought not to be introduced until the Commission appointed to inquire into the Law relating to Copyright had reported.

Motion agreed to.

Bill read a second time, and committed for Monday next.

LUNATIC ASYLUMS (IRELAND)

BILL—[BILL 189.]

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland.*)

COMMITTEE. [*Progress 8th July.*]

Bill considered in Committee.

(In the Committee.)

Clause 9 agreed to.

Clause 10 (Amendment of 30 & 31 Vict. c. 118, s. 10, as to payment to medical officers for examination of lunatics).

CAPTAIN NOLAN moved that the Chairman report Progress.

SIR MICHAEL HICKS-BEACH appealed to the hon. and gallant Member not to press his Motion.

Motion, by leave, withdrawn.

MR. BRUEN moved a new clause, to the effect that the contributions at present given by the Treasury be extended beyond the existing amount.

SIR MICHAEL HICKS - BEACH, in opposing the clause, said, there was no statutable law existing with regard to these contributions; and, therefore, if the Government were at any time able to increase them, no clause would be necessary to warrant such an extension as the hon. Member desired.

Bill reported; as amended, to be considered *To-morrow*, at Two of the clock.

## REGISTRATION OF TRADE MARKS

BILL. [*Lords.*] [BILL 242.](*Mr. Cavendish Bentinck.*)

## SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. Cavendish Bentinck.*)

Motion made, and Question proposed, "That the Debate be now adjourned."—(*Mr. Eustace Smith.*)

Motion, by leave, *withdrawn*.

Main Question put, and *agreed to*.

Bill read a second time, and *committed* to a Select Committee.

And, on July 19, Committee *nominated* as follows:—MR. ARTHUR PEEL, MR. BIRLEY, MR. PEASE, MR. WHEELHOUSE, MR. ARTHUR BASS, MR. WHITWELL, MR. SAMPSON LLOYD, MR. JACKSON, MR. HERMON, MR. WILLIAM HOLMS, MR. MUNDELLA, SIR HENRY WOLFF, MR. CAVENDISH BENTINCK:—Five to be the quorum.

PUBLIC RECORDS (IRELAND) ACT, 1867,  
AMENDMENT [EXPENSES].

*Considered* in Committee.

(In the Committee.)

*Resolved*, That it is expedient to authorize the payment, out of moneys to be provided by Parliament, of all Expenses incurred by or by order of the Master of the Rolls in the execution of any Act of the present Session for amending "The Public Records (Ireland) Act, 1867."

Resolution to be reported *To-morrow*, at Two of the clock.

House adjourned at a quarter after  
Two o'clock.

## HOUSE OF LORDS,

*Friday, 16th July, 1875.*

MINUTES.]—PUBLIC BILLS—*Second Reading*—

National Debt (Sinking Fund) \* (178).

*Report*—Artizans Dwellings (Scotland) \* (202).

*Third Reading*—Public Health \* (200); Local Government Board's Provisional Orders Confirmation (Bromley, &c.), *now* Local Government Board's Provisional Orders Confirmation (Leyton, &c.) \* (149), and *passed*.

ARMY—THE FIRST-CLASS ARMY  
RESERVE.—RESOLUTIONS.

THE EARL OF GALLOWAY rose to move the Resolutions of which he had given Notice relating to the First-Class Army Reserve and Militia. He said he had not brought forward the Motion from any hostility to the Government, but on account of a special point to which he wished to direct the attention of their Lordships, and which was that, in consequence of a Regulation which was made some two years ago, but which would not be practically put in force till next October, every Militia regiment was threatened with the loss of its adjutant and part of its permanent staff. That, in his opinion, would seriously affect the Army, because they had, under existing conditions, but a very small force of Infantry. Beyond that, the Reserve Force being a mere paper Force, that was an unfortunate moment to adopt a course which he believed would tend to disorganize their Militia. The late Secretary for War introduced three changes with regard to the Army—first, the abolition of the sale and purchase of officers' commissions; secondly, a short service system, and with it the proposed formation of Reserves; and, thirdly, what he (the Earl of Galloway) might call localization. It was not those principles that he wished to attack, but only the details, which he thought were not satisfactory. As to the abolition of purchase, he would venture to make this remark, that if this country wished to spend annually a-third of a million merely in that respect, he thought it would be willing to spend at least a sum equal to that in order to keep the Army in a state of sufficient efficiency. As regarded, indeed, the principle of short service, he was never an opponent to it; but the difficulty which he had always experienced in regard to it was this—and he had never heard the problem solved—how, under such a system, they were to keep up the Indian reliefs? He did not think it would have taken; but, contrary to his expectation, it had, to a very great degree, and he rather feared



the consequences. The short service system might be very good if they waited till they really had a Reserve from which to fill up the ranks of the cadres; but until its effect could be thoroughly gauged, he was satisfied they ought to postpone the establishment of the cadre system, which meant the attenuation of battalions, until their First Class Army Reserve had attained a considerably higher numerical strength than that at which it at present stood. There was now no public Reserve from which the battalions could be filled up, and although it was true that we had a certain number of Militia Reserves, yet he should rather treat them as part of the Militia, and be very much doubted whether it would be wise to count upon the Militia Reserve men as men to be sent immediately into the ranks of the Army. They should rather be looked upon as the force which could be called upon to supply the loss by casualties after the first two or three weeks or months of war. What was the remedy for the existing state of things? He knew of no other remedy except to attempt to fill up the ranks of the Army and to keep them full. The present Secretary for War, when dealing with the Army Estimates this Session, admitted that our Reserves were not yet in a condition to fill up the cadres, and he also admitted it was possible that some Continental complication might arise which would require the services of our Army abroad in aid of an ally in consideration of our national honour. As to our Cavalry and Artillery, he did not wish particularly to refer to those services, but he doubted whether the effect of introducing the short service system was satisfactory, for 780 men had enlisted in the former and 772 in the latter under that system. They were told by the Secretary of State for War with regard to the Regular Infantry that the force available for foreign service numbered 28,791 men, to whom must be added 25,000 of Militia Reserves who would be available, if necessary, to recruit the Regular troops. He thought the last estimate was too high, and that a deduction of 15 per cent must be made owing to various causes, including sickness, so that the total numerical strength of our military force available for foreign service would amount to about 51,000 effective men. That was a small force, but

the Secretary of State for War calculated that other 25,000 men could be raised in different parts of the country from the ranks of discharged soldiers and old Militiamen. This estimate might be accurate, but he doubted very much the advisability of drafting this class of men into the Regular Army for foreign service. Their presence would, in his opinion, have the effect of marring the courage of the Regular troops. Further, the estimate made by the Secretary of State for War as to the First Class Army Reserve related rather to the future than the present. That Force might, in time, reach the 20,000 men estimated as its total strength, but at the present moment it was not more than 7,000, and as Europe was bristling with bayonets it would not be wise to rely upon being able at any moment to bring this Force into active service. If the Secretary of State for War did so, he might depend he was leaning upon a broken reed. It had been suggested in some quarters that England should enter into a triple alliance with two European Powers in order to secure the maintenance of peace between other two European nations. Without saying anything as to the policy of such an alliance, he held, that England could not usefully enter into it with so small a Force as she had available for foreign service. He therefore thought it would be wise to look the question boldly in the face and submit to an increased expenditure in order to keep up the Regular Army until such time as the Reserves were sufficiently numerous to meet the requirements. The question then arose, how was the Regular Force to be kept up? It seemed to him the answer was the re-introduction of the long-service system and the inducement to men to enlist for long service by increased pay, the increased pay to be made to the men who, after the two years' preliminary service, should choose to enlist for a long period, at an increased rate; payment to be deferred till the end of the service, when a sufficient inducement and the accumulated pay might take the place of a pension, except in the case of soldiers retiring in consequence of wounds. At present under the short-service system, the desertions in one year, according to the last Report of the Inspector General, numbered 5,000. It was calculated that the loss involved to the State by every desertion

amounted to £30—some put it as high as £50—but, taking it at £30, the loss in one year to the State by desertions amounted to £150,000. That should be taken into account in considering the operation and ultimate effect of short-service. By an increase of pay, too, the pension system would, in time, be brought to an end, and this would, in his opinion, prove advantageous alike to the Army and the country. With regard to the Army Reserve, it must be patent to everyone who carefully considered the question that at the present time it was a mere paper Force. He maintained that it was necessary to give the Reserve men a certain amount of training annually; first, in order to prove that they were not a mere paper Force; and, secondly, to insure their efficiency as soldiers. At present they were practically worthless. In fact, he denied that they existed in any strength, and he contended that such as did exist were a disgrace to the profession. He doubted, indeed, whether it was possible to lay hands on them at all, for he was informed that of those who were to have come up to receive their pay at Carlisle some time ago only one appeared. As to the Militia Force, in the case of adjutants, it was hard that a change had been made, and that they should not retain their Army rank as formerly. There were some of the provisions of the new Regulations which needed alteration. The permanent staff should be detached during non-training time to other regiments to which they might be of use; but he did not think that should be the case with regard to the adjutants. If they were to do anything in a spirit of economy, he believed that two assistant adjutants general for each division would be amply sufficient to inspect the Militia and Volunteers. The main-spring of the Militia regiment was the adjutant; but he could not be held responsible for the training of the men, unless he had a permanent staff, both efficient and sufficient. It was also in his opinion a great misfortune that in consequence of the operation of the Militia Enlistment Act of 1873, the bounty of £6 was given to a man only after he had been enrolled six years, instead of at the end of five years, as before, and that the 5s. "bringing" money should have been done away with. The result of those changes was that we were now getting in the Militia a great many

mere boys, and that it was found difficult, if not impossible, to induce old soldiers to enter its ranks. He hoped, however, that the recent reduction of wages would do away with part of the difficulty. He maintained that they had no Reserve, and that it was impolitic at such a time to allow such a state of things to exist. He had brought this Motion forward out of purely patriotic motives and in the hope that his doing so might help to induce the taxpayers to see that their true interest should be to insist upon the thorough efficiency of these Forces. The noble Earl concluded by moving the following Resolutions:—

"1. That it is inexpedient to continue the Cadre system until such time as the First Class Army Reserve has attained a considerably higher numerical strength.

2. That our military organization will not be complete until a method has been established for the annual training of the First Class Army Reserve.

3. That this House views with concern the recent changes about to come into force in the Regulations for maintaining the efficiency of the Militia force."

EARL CADOGAN said, he was at a loss, when he first saw the Resolutions of the noble Earl on the Paper, to understand their exact meaning, and the object he had in view in proposing them. His noble Friend appeared to invite their Lordships to take on themselves the duties and responsibilities of the War Office, and to undertake, not by a Bill, but by Resolutions somewhat vaguely and faintly expressed, the re-organization of the Army and the abolition of the system established by the noble Viscount opposite (Viscount Cardwell). If the latter were the only objects of his noble Friend he should be content to leave him to the tender mercies of the noble Viscount opposite; but not to appear wanting in respect to the noble Earl, he thought it right to offer a few observations on the Resolutions now before the House. With regard to the 1st Resolution, he would remark that the cadre system might be defined as the framework of an establishment of which the cardinal points were all fixed and arranged, with the exception of the private soldiers, whose numbers would be filled up in time of war or whenever the necessity arose. It might possibly have been better, when the noble Viscount opposite inaugurated the scheme, had the full regiments been begun on a

war footing, and been filled up as regarded the men, and had the attenuated battalions been deferred until the Reserve came into operation. But the scheme, as it stood, had been established and sanctioned by Parliament, and he did not think that their Lordships would be induced to adopt a retrograde step before there had been time to see it in thorough operation. Besides that, any alteration at present would entail a large increase in the establishment as regarded men, and a still larger increase in the Estimates, which the Secretary of State for War certainly was not prepared at present to recommend. As to his noble Friend's 2nd Resolution, viewed as an abstract proposition, he found it much more easy to agree with him. They were all anxious that the country should see more of those Reserves, and it would be well if some plan could be devised for calling them out in the way suggested. Under the Army Enlistment Act of 1870 the Secretary of State had power to make regulations from time to time for the training of the First Class of Reserve without interfering more than could be avoided with the ordinary occupations of the men, and with the limitation that they should not be called out for more than 12 days. There had, however, in working the arrangement even for the 12 days, been a difficulty, arising from the relations between employers and the employed. It might, however, be hoped that the patriotism of employers would in time mitigate that difficulty. He was sorry he could not give his noble Friend any more definite promise, but he begged him to accept the assurance that the subject was receiving the most anxious consideration of the Government, with the sincere hope that by next year, if possible, some measure might be devised with the view of meeting the wishes of his noble Friend on that point. Turning to the 3rd Resolution, he must ask their Lordships to resist it, for it amounted, in fact, to a Vote of Censure. It said—

"That this House views with concern the recent changes about to come into force in the Regulations for maintaining the efficiency of the Militia Force."

The changes to which his noble Friend referred were conceived in the spirit of what was a cardinal principle of the scheme of the noble Viscount—namely, that of bringing more closely together

the Line and the Reserve Forces by the establishment of Brigade Depôts and linked battalions of regiments. He understood his noble Friend to complain most of the Regulations as to retirement and appointment of adjutants. Now, terms that were admittedly liberal had been offered to such of the present adjutants as chose before the 1st of October next to signify that they intended to resign. Those who chose to remain in their present position would do so, accepting the condition that they would take on themselves the extra work under the new Regulations. He could not see that any of the work which it was proposed should be done by those adjutants was work to which they need object; and therefore he submitted that if the Regulations were carried out, the effect would simply be that they would lose the services of a body of adjutants of whom he wished to speak with the greatest respect, but who were not prepared to do the work which the country very properly required of them. As to the appointment of the adjutants being only for five years, there was nothing in the Regulations to prevent those adjutants from being re-appointed at the end of five years' service. The new Regulations would secure increased efficiency with greater economy—efficiency, because the new adjutants would be prepared to do all the work which could reasonably be required of them; and economy, because these new adjutants would be taken from captains on full-pay, whose places would be filled up by half-pay officers, thus effecting a decrease of the half-pay list. With regard to making Assistant Adjutants General instead of Colonels of Brigade Depôts, there were two objections to Assistant Adjutants General. First, the duties of a Staff officer were purely administrative; and, secondly, such an increase of the Staff as would be created by making Assistant Adjutants General instead of Colonels of Brigade Depôts would cost the country a great deal more on account of extra pay and allowances. In the case of the Colonel of a Brigade Depôt, his pay came to £597 per annum, whereas in the case of an Assistant Adjutant General it would be £861. As to the suggestion of his noble Friend, respecting deferred pay, it was under consideration. Viewing those Resolutions, then, in the abstract, he would



remind their Lordships that when the present Government came into office they inherited the administration of a new and untried system, and the management of a re-organized Army; and it could not be for the public advantage that each successive Government should undo the work that had been done by their Predecessors, especially when their measures had received the marked approval and sanction of Parliament. If such a system were adopted, they would have reached the worst phase of Government by party, and all practical legislation would be impeded. The scheme of the noble Viscount opposite had not yet had full effect. It might hereafter require amendment or modification; but he could assure the House that all their efforts would be directed to making the present system efficient and as easy to work as possible, and in those efforts he trusted they would receive the support of Parliament, and not have their hands tied by the adoption of these Resolutions.

THE MARQUESS OF LANSDOWNE said, he found it difficult to believe that the noble Earl who had put those Resolutions on the Paper had any serious intention to press them to a division. If he had, he could not help thinking, after the very clear reply to which they had just listened, that the noble Earl could not expect any large measure of support from the House to his proposals. The Resolutions of the noble Earl involved a censure not only upon the military policy of the late Government, but also on the conduct of Army affairs by their Successors. Two Sessions had almost elapsed since the present Secretary of State for War acceded to office, and his acquiescence in the policy of his Predecessor must be taken as an indication that he saw no reason to anticipate its failure. It would be easy to adduce military testimony to prove that the *cadre* system was the only one on which the Army could be conveniently augmented in time of emergency, and the one which recommended itself to the common sense of the public. The opinion of Sir John Burgoyne to that effect was particularly strong. If there was one point on which the country had made up its mind, it was that it would insist upon having a trained and disciplined Reserve of men fit to take their place beside the Regular troops.

*Earl Cadogan*

Now, if the men of the Reserve were to take a place at such a time in the ranks of the Army, there must be a place in the ranks of the Army for them to take, and that was the simple justification of the system by which the *cadres* were kept up at what seemed a low strength. It was true the noble Lord did not condemn the system of Reserve—he only distrusted it because it was so limited. Why, then, should it not be increased? There were only two ways by which it could be kept at a higher strength. One was, increasing the number of men who were admitted into the Army, and the other, diminishing the number who were allowed to pass into the Reserve. If the former course were adopted, and the number of recruits was largely increased, there would inevitably be strong complaints from those numerous Members of Parliament and military officers who were apprehensive lest the ranks of the Army should be filled by very young men; and the noble Earl who had opened the present discussion had himself, when referring to the Militia, spoken of the importance of not having too many young men serving at a time. If the noble Earl preferred the other alternative, and desired to keep men longer in the Regular ranks, by what means did he propose to obtain a Reserve at all? The proposal of the noble Earl appeared to him to rest upon a very fallacious assumption. There appeared to be a feeling on the part of the noble Earl that we were passing through a period of abnormal weakness, and that we were making some great sacrifice of the present power in order to obtain a certain result hereafter. That, however, was an error. By a reference to the annual Return of the Army, it would be seen that the strength available for the home defence of this country was at present greater than it had been for a very long time past. In stating this fact, however, it must in candour be pointed out that the detachments of troops which used to be scattered over the Colonies were no longer there, but, on the other hand, those troops had not been a source of real strength to the Colonies, but rather a source of weakness. Whatever the cause the fact remained, that not only was the home strength considerably in excess of what it had been for many years, but, further, the Army—in particular the Artillery—was better armed

than it had ever been before. There was, therefore, no reason for the apprehension of the noble Earl that there existed at present an exceptional state of weakness. With regard to the 2nd Resolution, he had been very glad to hear the noble Earl on the front bench opposite (Earl Cadogan) insist upon the danger of exacting from the Reserve men an amount of drill which would interfere with their prospects in the labour market. It would be a serious thing if the time occupied by drill was such as, in the eyes of the employers of labour, to cast a stigma upon these men. Moreover, it must be remembered that men who had done six years' unbroken service did not require a great amount of training to keep them in a state of efficiency. No doubt, the Government would take proper steps to secure the efficiency of these Reserves; and in doing so, might count on receiving the support of both sides, not only of that House, but of the other. In his remarks about the Militia the noble Earl who moved the Resolutions dealt with the position of the re-enrolled men under the new Regulations. The late Government, when it had under consideration the Regulations affecting the Militia generally, found that at the end of four trainings the re-enrolled men were allowed to receive the sum of £6 and some odd shillings, and, being unable to acquiesce in this, the Government proposed to make the change to which the noble Earl referred; but that change only affected future enrolments. As to the Regulations themselves, he might say that the latter were based by the late Government upon the recommendations of a Committee on which were several distinguished Militia officers. The noble Earl took a somewhat desponding view of the prospects of the Militia, but the facts did not seem to justify his gloomy anticipations. Their numbers were larger now than they had ever been before, and the noble Earl had himself admitted that the efficiency of the officers was a matter of congratulation; and their Lordships were aware that under the new system the Staff would be more closely connected with the Regular Army than it had been before. In conclusion, he (the Marquess of Lansdowne) hoped he had satisfied the House as to the necessity of persevering in the *cadre* system, and as to the fact that we were

not now passing through a period of exceptional weakness, but were really better prepared than we had been in former years.

THE DUKE OF BUCCLEUCH thanked the noble Earl behind him (the Earl of Galloway) for bringing the subject forward with the view of its being discussed; but he must decline to follow him into the old question of the *cadre* system. He, however, thought the noble Earl was fully justified in what he had done, because it was at all times interesting to have a debate on Army questions. The point to which he (the Duke of Buccleuch) wished particularly to call attention was as to that branch of the Service with which he was more particularly acquainted—the Militia, and as to the effect of the Regulations with regard to the substitution of Regular officers for the existing adjutants in that Force. In the first place, it appeared that the scheme for the retirement of adjutants was merely a plan for getting rid of them, because they were to have a high rate of retirement allowance, if they retired before October, but if they did not, they were only to be entitled to a retiring allowance under the old scale, which, being only 6*s.* a-day after 20 years' service, and 3*s.* a-day after five years' service, was most inadequate to meet their case. Next he considered that it operated very injuriously upon the officers in the Army themselves. What they were offered in exchange for an Army retirement was an increased amount of pay—a present small increase in pay and rank; but it by no means compensated them for that increased pay and rank which they would receive if they remained in the Army for a considerable length of time—in fact, until the ordinary retirement; and he could mention two instances in which, to his own knowledge, officers had actually been ordered to retire long before they wished to do so, for the purpose of accepting some small appointment. Then, again, he thought it objectionable to the Militia regiments themselves, because it was desirable in his opinion that their Staff appointments should be made intact. He believed that it was the practice now to resort to the centre dépôt for everything, even for a drill-sergeant, regimental instructor, or bandmaster, and sergeants had been applied for the purpose of assisting adjutants in keep-

ing accounts, and others had been substituted for the quartermaster's clerks. He contended that it was of the utmost importance that the Militia Staff should be rendered efficient, and also that some of those old privileges which formerly existed among the men should be restored. He would also remind their Lordships that it was small things which gratified the men and induced them to remain attached to the Service, and he considered that the abolition of "bringing money" had proved very injurious to the re-enrolment of the Militia. Formerly those who brought men for re-enrolment got 5s. a-head, which was obviously a great inducement to get as many as possible; and he thought it a pity it was discontinued. He objected to the Militia Reserve being counted on the strength of the Militia Regiments to which they were attached, instead of their being regarded as supernumeraries. He was of opinion that it was much easier to drill recruits when they were young, as after they had gone through their two years' service, they found a far better and firmer body of men than if they had entered it later in life. On the whole, he thought it would be desirable to bring the Regulations into harmony with the feelings and wishes of the men as much as possible, and in that view, the permanent Staff ought to be maintained at its present strength, for otherwise the non-commissioned officers would be unable to discharge their duties properly when the regiment was called out for training.

LORD WAVENEY contended that the Militia adjutants' services were not sufficiently rewarded. He earnestly desired to impress upon their Lordships the advantage of securing efficient adjutants for that Force, for in connection with it it must be considered they were the most important of all officers. During the embodiment of a Militia regiment its adjutant was charged with military and financial arrangements which were very minute, and entailed great responsibility. When the time for training came he had to be in attendance with his regiment from the first moment of its embodiment to the time when the last man was paid off. In addition to other matters, he had to look after all the store and other accounts, and it would be wrong to add to these onerous duties, others as proposed by the new

Regulations. With regard to the subject generally, the Militia was, in its present state, a substantive Army, and if its organization were improved it would prove the most efficient possible Reserve for the Regular Army.

THE DUKE OF CAMBRIDGE: After the very full and complete statement which has been made by the noble Earl the Under Secretary of State for War, to which I listened with very great pleasure, I do not think there is very much left for me to say with respect to the Motion under consideration. But I think it right to point out that while the noble Earl who introduced the question objects to the *cadre* system, he does not, as I apprehend, wish to do away with the short-service system recently introduced. Now the *cadre* system, in my opinion, cannot possibly be abolished, for the very reason that it is bound up with the other system. Short-service is, in fact, based upon with the *cadre* system. You cannot have one without the other, and it would be impossible to make any change upon the *cadre* system, unless you also gave up the short-service system. Well, then, if I am right in that view, I think your Lordships will agree with me that, after so brief an experiment, the time has not arrived for giving up the short-service system. I have repeatedly said that nothing is more prejudicial to the Army than constant change. Changes of any kind in a great machine like the Army are very disadvantageous, far less so momentous a one as a return to long-service. Changes, however, must occasionally be made, and after the fullest consideration, we some time ago agreed to accept the short-service system, because we do not wish constantly to keep up a vast standing Army. What we wanted was a large number of men, when they were available, without having to keep them constantly in the ranks, and the only way of accomplishing that was by instituting short-service and establishing in connection therewith a Reserve. But coming to the Motion I may remark that the whole question is merely one of expenditure. If you have a large Army and can discharge year after year large bodies of men into civil life, you can very rapidly form a Reserve. But if you cannot do so, you will undoubtedly take a long time to form it. As far as our existing Reserve Force is concerned, I am candidly bound to admit that it is

*The Duke of Buccleuch*



very small indeed as compared with what was contemplated, and in relation to the numbers of an Army such as England ought to be able at any time to put into the field. At the same time, it must be remembered that what is intended and what ought to be aimed at, is to get it in the way we are doing. As regards the Militia Reserve, however, that is available even at this moment. They assemble year by year, they are drilled every year, and their physical power can be tested, and we can fully rely from that source to obtain some 27,000 or 30,000 men as a Reserve. Under those circumstances, I will not enter into any full discussion of the Motion. It is for each successive Government to decide year by year what is the force which they think will be right and proper for the country, and to frame their Estimates accordingly. As regards this question of Reserve I have a very strong feeling. My opinion is that it ought to be a real Reserve, and that it ought not merely to exist on paper. The question, however, arises whether, during the six years that a man may be in the Reserve, he has maintained his efficiency such as he had it when he was discharged from the Service into the Reserve. His physical powers and his health might very much have deteriorated, though he might go on and take his Reserve pay for six years, whilst we should not be aware whether he was physically prepared to take his place in the Reserve. It is most desirable then that there should, if possible, be some arrangements made by means of which we should know that these men continue their efficiency whilst in civil life, so that when the moment of necessity arrives they would be ready and fit to take their places in the Army. I should like to see these men at certain periods—say every three years—called out for service for 10, 12, or 14 days, and see them during this period take their places in the regiment, and be drilled with the regiment, so as to see whether they retain the physical capacities which they had when they were in the ranks. That, I believe, is the system that is adopted in almost all foreign countries where short-service exists, and where the Reserves must bear so great a share in the system. There is, however, no doubt that men who would be liable to be called out for

a few days at any moment are not the men who would be most acceptable to the general employer of labour. He likes to be certain of his men from day to day; and if men were liable to be called out for 10 or 12 days the employer would say that he would rather employ men who were not so situated, and that would militate much against the system. This, also, would prevent recruiting, because men would feel that by enlisting they would place themselves in a worse position than that occupied by their neighbours, who were free to be engaged without any such condition as this, and therefore would be more acceptable to their employer. If this point could in any way be got over I should be rejoiced to see it; and I entirely go with the noble Lord in this respect, but with the reservation that I have mentioned. As to the third point, I may say that there is no wish whatever to interfere with the Militia. We have the highest opinion of the Militia; and our great object is to bring it more into connection with the Regular Army, instead of it looking at itself as quite a separate arm of the general Service. All the Regulations which have been laid down have been framed with that one object, and are by no means intended to disgust officers or men with the Militia; but, on the contrary, to draw them closer towards, and to make them more a part of, the Service, and to induce them to look upon themselves as a part of the general Service of the country. The noble Duke (the Duke of Buccleuch) seems to think that there is some idea to insult or disgust the Militia in connection with the adjutants; but I cannot conceive how he can entertain such an idea. Now, they certainly have during the greater part of the year very light duties indeed to perform; but I am quite sure that no Government would wish that the adjutants should be taken away from the Militia for every or any military purpose for which they are now available; but I cannot understand why, if they have a great deal of time upon their hands, they should not be called upon to do certain duties in the districts in which they reside, which would not in the slightest degree interfere with their duties as Militia adjutants, and yet would facilitate our other arrangements. There has been no idea whatever of interfering with the permanent Staff of the Militia, and all I can

say is that whilst I am at the head of the Army, if anyone should take so injudicious a course as to interfere with their duties he would receive a strong censure from me. Neither is there any idea of interfering with the legitimate duties of the Militia colonels, which they, I am sure, will continue to perform in the admirable manner which they have hitherto done. If there are any points in the Regulations which require correction, they will receive the fullest consideration by the military authorities, as I am quite satisfied they will by the Government; and I trust that full confidence will be placed in arrangements which are intended for the better conduct of Public Business.

THE DUKE OF BUCCLEUCH explained that he had been misapprehended by the illustrious Duke. He (the Duke of Buccleuch) had not said that the recent Circular was intended to be an insult to the adjutants. What he meant to convey was that they felt a slur had been cast upon them, and that the object of the War Office appeared to be to get rid of their services.

VISCOUNT CARDWELL said, he had great pleasure in complimenting the noble Earl the Under Secretary of State for War (Earl Cadogan) for the manner in which he had represented the Department; and in thanking him for the great attention he had bestowed upon the subject under notice. As to the noble Earl who brought forward the Resolution (the Earl of Galloway), it was very gratifying, considering the long controversies he (Viscount Cardwell) had with him in the other House, to find that he now said that, although not altogether in favour of short service and localization, yet he now found that short service had taken hold of the country, and was not, therefore, prepared to question the legislation that brought it about. It might, indeed, be fairly said that short service had taken hold of the country, because about two-thirds of the whole number had recruited for short service. Besides, there was a good deal of doubt whether we could get an adequate number of recruits required under that system, whilst it turned out now that an adequate number was got, and he doubted whether such a number could be got but for short service. He entirely agreed with the noble Earl (Earl

Cadogan) that the details must be left to the discretion of the Government of the day, exercised as it must be from month to month. They had to deal with a voluntary system, and therefore could not lay down fixed rules, such as prevailed in some other countries, but must accommodate the Regulations from time to time to the wishes of the country. He was, therefore, extremely glad to hear that the present Government adopted the principles which had already been laid down, and that they would endeavour to adapt them to the changing exigencies of the day. As to the 2nd Resolution, nobody could dispute the justice of the general principle which it laid down. It had been said that our military organization would not be complete until there was an adequate system of training for the First Army Reserve, and no one would dispute that; but the late Government had in their view an arrangement of the kind which was now being carried into effect—the establishment of a localized system, so that colonels of the Regular Army might be able to do that which the Act of 1870 provided, and which the illustrious Duke on the crossbenches had just so powerfully enforced—namely, that the training should be not by calling out the men for a lengthened period, which would indispose them to come into the Service at all—but, in the words of the Act of Parliament—“on such conditions as would least interfere with their civil service.” Now, that could not be done, except by means of local organization, which would come into full operation in 1876, when the first large number of Reserve men would pass out of the Army, and he had no doubt arrangements would be made for carrying the scheme into effect, as one which would be the best for the attainment of military objects, and would least interfere with the civil occupations of the men. What he had urged, and what had been stated by his noble Friend near him (the Marquess of Lansdowne), was, not that there was no necessity at all for renewing the training of the men who had been six years in the Army, but that no such necessity would exist for the first year or two after they had left it. At a time when labour was extremely scarce and wages high, he did not think it would be well to interfere with the operation of the

system by introducing training which would be very vexatious to men, but in the general principle laid down he, as he had already said, entirely concurred. As to the 3rd Resolution, it appeared to point to some new arrangement made by the present Government with respect to adjutants, respecting which the noble Earl opposite (the Earl of Galloway) appeared to think had been conceived in a most liberal and generous spirit, although in a few individual cases it might have worked hardship. Well, that being so, he thought the War Office, which had conceived the general measure in a generous spirit, might be trusted to deal with individual cases in the same spirit. One of the topics which had been most constantly pressed upon his attention before he left office was the case of existing adjutants, and he was glad the time had arrived when it could be satisfactorily dealt with.

LORD STRATHNAIRN said, that however desirable military training might be for the men of the First Class Army Reserve, he fully concurred in the remarks which had been made by the illustrious Duke on the cross-benches (the Duke of Cambridge) as to the difficulties in the way of inducing the men to leave civil employment for the purpose of carrying out their military obligations. On a former occasion he had expressed his regret that the first step of the Government on taking office should have been, not to preserve the *status quo* as to short-service, but to advance to dangerous ground and extend that system to the Cavalry and Artillery. He hoped he might be allowed to repeat that regret, for the short-service system was not intended to interfere with long service, and long-service men could still continue to be the life and soul of the Army.

THE EARL OF GALLOWAY said, that after the courteous reply which he had received from his noble Friend the Under Secretary of State for War, he could not do otherwise than propose to withdraw his Motion.

Motion (by leave of the House) *withdrawn*.

#### CHINA—MURDER OF MR. MARGARY AT MANWINE.—QUESTION.

LORD CAMPBELL asked Her Majesty's Government, When the projected

Mission from Pekin to inquire into the circumstances attending the murder of Mr. Margary will take place; and of what persons it is intended to compose it? He hoped no delay would take place, seeing the necessity that existed for opening-up a new and shorter route for trade between India and the West of China. It would be also satisfactory to have an explanation of the transaction in which Mr. Margary fell a victim?

THE EARL OF DERBY, in reply, said, that two gentlemen had been appointed to attend the inquiry which would take place in reference to the murder of Mr. Margary. One was Mr. Grosvenor, the second Secretary of Legation in the Diplomatic Service in China, and the other was Mr. Maynard, Assistant Secretary in the Chinese Consular Service. The selection of those gentlemen had been made by Mr. Wade, and it had been approved of by Her Majesty's Government. It was intended that those gentlemen should set out on their journey to the place of inquiry at the end of next month, as the Government were quite aware of the inexpediency of not allowing any unnecessary delay to take place; but there were some difficulties to overcome in regard to the long land journey through Southern China, and it would be necessary to wait until the great heats incident to the climate were over. The very object of the inquiry which those gentlemen would attend was to ascertain accurately all the facts and circumstances of the case, and, therefore it was out of his power to discuss those circumstances now.

House adjourned at a quarter past Eight o'clock, to Monday next, a quarter before Four o'clock.

#### HOUSE OF COMMONS,

*Friday, 16th July, 1875.*

MINUTES.]—SELECT COMMITTEE—*Report*—New Forest [No. 341].

SUPPLY—*considered in Committee*—*Resolutions* [July 15] *reported*.

RESOLUTION IN COMMITTEE—Supreme Court of Judicature Act (1873) Amendment [Salaries, &c.]

PUBLIC BILLS—*Second Reading*—Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) \* [253]; Local Government Board's Provisional Orders Confirmation (Aberdare, &c.) \* [254].



*Committee—Report—Conspiracy and Protection of Property* \* [204-260]; *Washington Treaty (Claims Distribution)* \* [218].

*Considered as amended—Employers and Workmen* \* [259]; *Public Works Loan (Money)* \* [243]; *General Police and Improvement (Scotland) Provisional Order Confirmation* [227]; *Entail Amendment (Scotland)* \* [248]; *County Surveyors Superannuation (Ireland)* \* [65].

*Third Reading—Pharmacy* \* [215], and *passed*.

The House met at Two of the clock.

TRANSLATION OF IRISH MANUSCRIPTS—TREASURY MINUTE, 1857.  
QUESTION.

MR. SULLIVAN asked the Chief Secretary for Ireland, Whether the necessary arrangements have yet been made for the promised resumption of the publication of the Irish Manuscripts; and, if not, if he can state what the obstacles are, and when they are likely to be removed?

SIR MICHAEL HICKS-BEACH, in reply, said, that during last autumn he was in communication with several distinguished Irish scholars upon the question of resuming the publication of the Irish manuscripts, and he also, on the part of the Government, requested the Royal Irish Academy to undertake such of the work as might now properly be commenced. The result of this request had been a correspondence of considerable length between the Government and the Royal Irish Academy. Questions arose relating to the expense of the work, which had to be considered very carefully both by the Government and the Royal Irish Academy, and as the meetings of the Council were not very frequent, this correspondence occupied a considerable time. He hoped, however, within the course of two or three days he should be able to submit to the Treasury a final proposal with regard to the expenditure. He might add that the Government did not in any way desire to fetter the Council as to the mode of executing the work, beyond showing the caution which the Government were bound to exercise over a work to be published at the public expense.

SUPERANNUATION OF POOR LAW OFFICERS, SCOTLAND.—QUESTION.

COLONEL ALEXANDER asked the Lord Advocate, Whether he proposes, this Session, to bring in a Bill permitting

parochial authorities in Scotland to grant superannuation allowances to officers connected with the administration of the Poor Law, in cases where those authorities consider that it will be for the public advantage that such officers, when disabled by old age or ill-health for the efficient performance of their duties, should receive such allowances?

THE LORD ADVOCATE, in reply, said, that some weeks ago he was waited upon by a number of Scotch Members, who expressed to him their desire that a Bill should be introduced with regard to giving parochial authorities in Scotland a discretionary power, subject to the sanction of the Board of Supervision, to grant retiring allowances to the various officers engaged in the administration of the Poor Law. As his own opinion was favourable to the proposal he had a Bill drafted for the purpose of giving effect to it, which he was on the point of introducing when he was waited on by several other Scotch Members, who stated that they were strongly opposed to giving such power to the parochial authorities. Feeling that in the present state of Public Business it would be impossible to pass such a measure without the general concurrence of Scotch Members, he determined to postpone legislation for the present. At his request, however, the Home Secretary applied to the Poor Law Board for their opinion as to the working of the Superannuation Act in England and Ireland, and replies had been received which, along with the communications of the Board of Supervision, it was proposed to lay upon the Table, so that public opinion on the subject might be matured before next Session.

INDIA—MAJORS OF ARTILLERY IN INDIA.—QUESTION.

MR. W. HOLMS asked the Under Secretary of State for India, If it is the case that officers in India holding the substantive rank of Majors of Artillery, under the Royal Warrant of 5th July 1872, have from that date, till 1st April 1875, received no addition to the combined pay and allowances which they enjoyed while previously holding the rank of Captain; and that officers in England holding the rank of Major under the same Warrant have, during the period referred to, received the full pay of their rank?

**LORD GEORGE HAMILTON**, in reply, said, it was true that the officers in question had not received additional pay during the period referred to; but the reason was that the remuneration they enjoyed, in the opinion of the Government of India, was adequate to the services they performed. In England, officers holding the rank of major under the same Warrant had received additional pay, but he was informed that the pay received was not the same as that given to other officers of the same rank.

#### CRIMINAL LAW—CASE OF SARAH CHANDLER.—QUESTION.

**MAJOR O'GORMAN** asked the Secretary of State for the Home Department, If he will lay upon the Table of the House, the names, professions, or trades or callings of the magistrates, and each of them who presided at petty sessions at Spalding, Lincolnshire, when the girl Sarah Chandler was prosecuted for plucking a flower from a geranium, and sentenced by those magistrates to a punishment of fourteen days imprisonment and four years in a reformatory?

**MR. ASSHETON CROSS**: Sir, I do not see that anything would be gained by formally laying the names upon the Table of the House. The names appeared in the public Press at the time of the prosecution, and there is no reason to suppose that they were wrong names. They were—Mr. Moore and Mr. Dove, clergymen, and Dr. Ball, who is, I believe, a medical man. I repeat that I do not see of what use it could be formally to place the names on the Table.

#### EDUCATION DEPARTMENT—PENSION MINUTE—SUPERANNUATION ALLOWANCES TO TEACHERS.

##### QUESTION.

**MR. WHITWELL** asked the Vice President of the Committee of Council on Education, If he is prepared to announce the terms of the Order in Council under which the arrangement for granting superannuation allowances to teachers appear?

**VISCOUNT SANDON**: Sir, I shall be happy to inform my hon. Friend who has taken so warm and useful an in-

terest in this matter what are the slight modifications which we have made in the Pension Minute which I propose to lay on the Table this afternoon. In the former Minute it was laid down that pensions should only be granted to teachers whose income during the last seven years had not exceeded £120 per annum (men), or £60 (women). We have now omitted the condition as to income, as we think it best to follow closely the conditions of the Minute of 1851, whereby the late Lord Lansdowne, as Lord President, interpreted his own former Pension Minute of 1846, and also as it is clear that both this House—judging from the debate on the Education Estimates—and the teachers themselves are very anxious that the Department should not hamper its own action by laying down a hard-and-fast line as to salaries. The cases, therefore, will be judged simply on their own merits, preference being of course given to those in greatest need of assistance. We have also removed all uncertainty as to the eligibility for these pensions of certified teachers of normal schools, and also of assistant teachers. I am glad to believe that this question, about which the teachers have naturally felt very strongly for many years, will now be settled to the satisfaction of the teachers and with the cordial approval of both sides of the House.

#### SUGAR DUTIES—INTERNATIONAL CONVENTION.—QUESTION.

**MR. WAIT** asked the Under Secretary of State for Foreign Affairs, Whether he is in a position to communicate to the House that the Draft Convention agreed on at the Conference recently held at Brussels on the subject of the Sugar Bounties has been confirmed by the respective Governments; and, if not, whether any other solution of the differences under discussion is likely to be arrived at?

**MR. BOURKE**: Sir, I am happy to inform my hon. Friend that the Draft Convention lately agreed upon by the respective Governments at Brussels on the subject of the Sugar Bounties has been assented to by the Governments of France, Holland, and Belgium, and is now under the consideration of Her Majesty's Government.

CONSPIRACY AND PROTECTION OF  
PROPERTY BILL—[BILL 204.]*(Mr. Secretary Cross, Mr. Attorney General, Sir  
Henry Selwyn-Ibbetson.)*COMMITTEE. [*Progress 12th July.*]

Bill considered in Committee.

*(In the Committee.)*MR. ASSHETON CROSS, in rising  
to move the following new clause—*(Repeal of Criminal Law Amendment Act,  
1871.)*“The Criminal Law Amendment Act, 1871,  
shall be and is hereby repealed,”

said, he had only one object in view, and that was to settle that vexed question in a satisfactory manner. If he could do so, he was sure it would confer a great benefit on society at large. He would simply state that he had been very much struck, in the interviews he had had with masters and men, by the sincere desire which both sides had shown to come to a satisfactory settlement. He hoped the words which he had adopted in a subsequent clause, some of which were the same as had been placed on the Paper by the right hon. Gentleman the Member for the University of London (Mr. Lowe) on the former occasion of the Bill being in Committee, would be accepted without much discussion, in order to prove both to masters and men that the Committee was united in this matter.

Clause *brought up*, and read the first time.

On Question, That the clause be read a second time?

MR. LOWE said, he would have great pleasure in acceding to the clause as it stood, to which the right hon. Gentleman had just referred. He only wished to point out to him that it was almost a pity to retain these words, “shall use violence to any person or any property,” because at present a person who did use violence could be punished by summons or indictment. It did seem unreasonable to have two offences, one for which a man could be imprisoned for two months, and another for which he could, under this Bill, be imprisoned for three. It was a pity also to make the proposed exception in the law of threats. The law was a very sensible law. If a man uttered a threat which the magistrate thought serious, he would have to find sureties,

and, if he did not, to go to prison. Sureties were generally found, and nothing more was heard of the matter. It would be, therefore, a pity to have two sets of law. It was not wise to introduce unnecessarily such a wide distinction between Acts. He did not see that threats to compel a man to do or abstain from doing a thing were any worse than threats which came out of the malice of a man's heart, nor why the one should be so much more severely punished than the other. He thought it also a bad thing to have two sets of positions; one that a man did a thing with intent, the other that he did it with a view to compulsion. The matter would be placed on a much better footing if we were to get rid of this idea of compulsion. If, however, the right hon. Gentleman thought it wise to retain the words, he would not make any objection.

Clause read a second time, and *added* to the Bill.

MR. ASSHETON CROSS said, he was extremely obliged to the right hon. Gentleman for what had fallen from him. In a consultation with masters and men both sides seemed to desire to retain the words in question, and he hoped, therefore, the Committee would adopt the clause as it stood. He therefore begged to move the following new clause:—

*(Penalty for intimidation or annoyance by violence or otherwise.)*

“Every person who, with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing, shall use violence to any person or any property, or shall threaten or intimidate any person in such manner as would justify a justice of the peace in binding over the person so threatening or intimidating to keep the peace, and every person who, with a view seriously to annoy or intimidate any other person, shall persistently follow such other person about or hide any property owned or used by such other person, or deprive him of or hinder him in the use thereof, or watch or beset the place where such other person resides or is, or the approach to such place, or shall with one or more persons follow such person in a disorderly manner in or through any street or road shall be liable to imprisonment with or without hard labour for a term not exceeding three months.”

Clause *brought up*, and read the first time.

On Question, That the Clause be read a second time?



MR. BRISTOWE, while agreeing to the repeal of the Criminal Law Amendment Act, regretted the introduction of the words which the Home Secretary had put in this clause. They were, in fact, a repetition, though in a different form, of the 1st section of the Criminal Law Amendment Act. He had no desire to oppose a clause which had been brought forward under such circumstances, and he heartily hoped that on both sides of the House they would unite to settle this question; but he must add that, in his opinion, the clause in its present shape was ambiguous, and would certainly require the introduction of verbal Amendments to make its meaning clear and distinct, or an interpretation clause.

MR. FORSYTH concurred with his hon. and learned Friend in the opinion that the clause was so worded as to leave room for doubtful construction.

MR. DODSON reminded the Committee that the Question was now that the clause be read a second time; the consideration of Amendments would properly arise on the Motion that the clause be added to the Bill. The substantial and operative part of the clause was the latter part of it, and it was with respect to that part that Notice had been given by his right hon. Friend the Member for the University of London. The only alteration made by the Home Secretary in that part of the clause was, that he had substituted imprisonment with hard labour for a term not exceeding three months for imprisonment with hard labour for a term not exceeding two months, as proposed by his right hon. Friend. Although the terms introduced by the Home Secretary were unnecessary in law, they were such slight modifications that it would not be worth while to differ about them.

MR. MUNDELLA said, that having been in constant communication with all the various bodies of workmen who were interested in this matter, he thought himself entitled in their name and on his own behalf to thank the Home Secretary for the very fair way in which he had met the representatives of both masters and working men since Monday night, and the very important changes of which he had given Notice in his own name. He was glad the right hon. Gentleman had in his own clause incorporated the Amendment of the right hon. Gentleman the Member for the University of

London, and he hoped they were now about to arrive at something like a final settlement of this long-vexed question. Indeed, he believed the course pursued by the right hon. Gentleman would tend to prevent a renewed agitation on the subject. All the working men had demanded was equality in dealing with matters of this kind, and as they had now obtained equality, they could have no ground for complaint. When the Judges were called upon to consider the Bill, he felt satisfied that they would place upon it a satisfactory interpretation, knowing, as they would, that it would apply to all classes of the community alike. At the same time he must observe that if Parliament were now legislating on the question for the first time, they would be undertaking a very dangerous task, for, as a lawyer had said to him, the clause, applying as it did to the whole community, left nothing to be complained of from the workmen's point of view—they demanded equality, and here they had got it—but if the unfortunate widow in the Scripture had happened to live when a clause of the kind was operative, the unjust Judge would probably have given her three months' imprisonment with hard labour.

MR. MACDONALD, as one who had some interest in a very large portion of the working classes, concurred with the hon. Member for Sheffield (Mr. Mundella) in thanking the right hon. Gentleman the Home Secretary for the patience, courtesy, and careful attention he had given to the representations of the working men, and felt it to be his duty to say on their behalf, that he believed from the first the Home Secretary had attempted to deal fairly with them; and he hoped the question would be settled once for all.

MR. BUTT said, it appeared to him that the working classes were satisfied, not because the Bill was good in itself, but because it removed many of the grievances of which they had previously complained. He, for one, however, objected to making these special changes in the Criminal Law, because he believed there was sufficient power already existing to meet these cases. He also objected to the definition of intimidation, consisting in a magistrate's binding, or not binding, a man over to keep the peace. There was nothing in which

magistrates exercised a wider discretion than they did in reference to matters of that kind. He did not think the proposed change was necessary, and at the proper time he should take the sense of the Committee upon that point.

SIR WILLIAM HARCOURT would have preferred if the clause had simply repealed the Criminal Law Amendment Act of 1871. No doubt the right hon. Gentleman had very good reasons for the course he had taken, but he agreed with the hon. and learned Member for Limerick that great mischief might arise from the ambiguity of the clause. So far as it went beyond the existing law, it was altogether unnecessary.

MR. J. S. HARDY said, the clause was necessary to meet the case of a man saying to another—"I will not strike you on the head, but somebody else may."

MR. SERJEANT SIMON submitted that this was a superfluous enactment. It created, moreover, a new offence, the definition of which it left to the discretion of the magistrate. Such a mode of criminal legislation was dangerous and wholly without precedent. He thought the Statute Book ought not to be encumbered by such a clause.

MR. HOPWOOD remarked that before that enactment passed care should be taken that it was not hurtful to the community. It was matter for remark that what had long been considered fitting legislation for a particular class was found inconvenient when applied to the entire community. The Home Secretary had himself not long since remarked that the multiplication of offences of misdemeanour was a crying evil, and yet this Bill proposed to enact four or five new offences altogether.

MR. SAMPSON LLOYD pointed out that the existing law was inadequate to meet the cases of threats to injure property.

Question put and *agreed to*; Clause read a second time.

MR. HOPWOOD proposed an Amendment of the clause, in line 3, by omitting the third "any," and substituting for it "such," with the purpose of restricting the violence against which the clause was directed to violence offered to the person to be coerced or his property, instead of "any person or any property."

*Mr. Butt*

Amendment proposed, in line 3, to leave out the first word "any," in order to insert the word "such."—(*Mr. Hopwood.*)

MR. W. E. FORSTER hoped it was a mistake, but undoubtedly the language of the clause went further than the Criminal Law Amendment Act which they were repealing. The words were—

"Every person who, with a view to compel any other person to abstain from doing, or to do any act which such other person has a legal right to do or abstain from doing, shall use violence to any person."

He could not suppose that to be the intention of the right hon. Gentleman, and therefore hoped he would accept the Amendment.

THE ATTORNEY GENERAL hoped the Amendment would not be accepted, because the violence, by which it was sought to intimidate a man, might be directed towards his wife, children, or servants, and the clause was necessary to meet such a case as that.

MR. BRISTOWE said, at all events, admitting that might be so, yet it was clear the clause went further than the old law, and created a new offence.

MR. ASSHETON CROSS observed that the real question was, whether this violence, if used to a man's wife, children, or servants, for the purpose of forcing him to do something which he ought not to do, ought not to be an offence.

MR. GOLDSMID thought the Amendment would meet every case, and would not go so far as the words in the clause.

MR. W. E. FORSTER trusted that the Government would accede to the Amendment. It was agreed that there was to be no exceptional legislation, and although the clause did not come under that description, yet it was probable it would be more used upon the labour question than any other. The draftsman could not be aware that he was by the present clause altering the present law, and it was only reasonable to ask that the new clause might leave the law as in the Criminal Law Amendment Act, where it was provided that the violence should be used to such person.

MR. CAWLEY could not agree that the clause either created a new offence, or that it was unnecessary. The object of the clause was to prevent intimidation. One of the original causes of the passing

of the Criminal Law Amendment Act was to prevent interference by what he might call extraneous means, such as interfering with children or property.

SIR WILLIAM HARCOURT was certain that everyone would wish to meet the case of violence to a man's wife or children, but such an offence was punishable under the present law, and therefore the words objected to were not wanted. What his right hon. Friend the Member for Bradford (Mr. Forster) had said was perfectly true—namely, that the clause went further than the Criminal Law Amendment Act, which enacted that the violence should be used to the particular person whom it was sought to coerce, and to nobody else.

MR. NEWDEGATE asked whether it would be necessary to specify and name the persons intimidated?

MR. E. JENKINS, in supporting the Amendment, said, there was a case not long ago in Oxfordshire of a farmer who, because one of his men joined a Union, thrashed him within an inch of his life.

MR. DODSON hoped the Home Secretary would not be disinclined to re-consider this matter, and accept the Amendment of the hon. and learned Member for Stockport. Cases of violence were substantially met by the existing law, which it was therefore unnecessary to enlarge.

MR. HOPWOOD said, he believed that cases of cutting bands and injuring machinery were already provided for. He asked the Committee to observe that it was now proposed for the first time, that an offence against an individual might be a ground for proceedings against the offender on the part not of the subject of the offence, but of a third person.

MR. ASSHETON CROSS would again put it to the Committee as a matter of broad common sense. Did the Committee mean to say that it should be wrong to use violence to A, to compel him to do something, and that it should not also be an offence to do the same violence to A's wife or children or anybody in his house for precisely the same purpose?

MR. BUTT would support the Amendment if it was pressed to a division, because he considered that the clause extended the provisions of the Criminal Law Amendment Act, instead of mitigating them as it professed to do.

MR. W. E. FORSTER said, that if his hon. and learned Friend the Member for Stockport went into the Lobby he felt bound to go with him, because the clause would make the law more stringent than it was at present, and he did not think it would work well.

MR. OSBORNE MORGAN supported the Amendment.

Question put, "That the word 'any' stand part of the Clause."

The Committee *divided*:—Ayes 225; Noes 112: Majority 113.

MR. BUTT moved to omit the words "or shall threaten or intimidate any person in such manner as would justify a justice of the peace in binding over the person so threatening or intimidating to keep the peace."

Such a definition of the offence was, he thought, highly objectionable.

Amendment proposed, to leave out from the word "property," in line 3, to the word "peace," in line 6, inclusive."—(*Mr. Butt.*)

MR. MORGAN LLOYD did not agree with the clause as it stood, and thought the words proposed to be omitted by the hon. and learned Member for Lime-riek were particularly objectionable, and that the object desired could be attained by words of a different character. The offence should be defined with greater certainty, and less discretion given to the magistrates.

MR. ASSHETON CROSS said, he could not accept the Amendment, though he was willing to insert the words, "on complaint made."

MR. W. E. FORSTER said, the proposal in the clause was new legislation and stringent legislation, and it went far beyond what was now in the Criminal Law Amendment Act. An employer would have the right to proceed against a workman who sent a threatening letter to another workman. Surely the prosecution should be left to the man who was threatened; a third party ought not to be brought in.

Question put, "That the word 'or' stand part of the Clause."

The Committee *divided*:—Ayes 241; Noes 104: Majority 137.

On the Motion of MR. BRISTOWE, Clause amended, by inserting in line 3, after "shall," the words "with the view aforesaid."



On the Motion of Mr. W. E. FORSTER, Clause further amended, by inserting in line 6, after "peace," the words "on complaint made."

Mr. HOPWOOD moved, as an Amendment, in line 6, to leave out "seriously to annoy or," and insert "to." He objected to those words as vague, difficult to interpret, and likely to place those for whose benefit this Bill was intended in a worse position than before. He preferred that the description of the offence should simply be "every person, who, with a view to intimidate," &c.

Amendment proposed, in line 6, to leave out the words "seriously to annoy or," in order to insert the word "to."  
—(Mr. Hopwood.)

Mr. BURT said, that some time ago the Home Secretary had said he was anxious to bring this question of the relationship between masters and workmen to a settlement, and he had given clear evidence that he was perfectly honest in that desire. It was equally clear that all the Members of the House were as desirous of accomplishing that end as were the Government. That being so, it behoved them to see that when it was settled it was settled satisfactorily. That could not be done without the total repeal or considerable modification of the Criminal Law Amendment Act. The clause under discussion undoubtedly possessed the great merit of placing all classes of the community on terms of equality. That was certainly a step in the right direction. But it was worth the while of the House to consider what sort of equality it was which the clause would produce; whether the equality, in fact, partook of the character of steady progress along the solid highway, or was not rather a case of the blind leading the blind into the ditch. The question which the workman would most likely ask himself was, whether men who were in no sense of the term criminals ought to be sent to prison? He did not think workmen would be satisfied as long as such a thing was possible. The real question for consideration was, what effect the proposal under discussion would have when it came to be definitely applied to strikes and locks-out? During such disputes there was always a large amount of ill-feeling manifested. The object of the employer was to prevent

his old hands getting work elsewhere and to obtain fresh hands if he could. The object of the workmen was to prevent fresh workmen taking their place while they were on strike. Neither party was at such a time over scrupulous in the means they employed. He himself knew of a case where on the occurrence of a strike the masters sent into another district, and enticed away men by gross misrepresentations. When the new men arrived the men on strike very naturally induced them to remain out of work till they had exposed what the masters had done, whereupon the former returned to the district whence they had come. Well, he wanted to know whether the men had been more guilty of violence in that case than the masters? He feared the clause, as it stood, would be open to very great abuse, and he was therefore in favour of its being altered.

Mr. ASSHETON CROSS said, he was not disposed to retract a single word of what he stated some time ago with reference to this subject. The law was clearly laid down by the Royal Commission, by the Recorder, and in part also by the learned Judge who tried a recent case. What they wanted was to prevent one man worrying another man's life out. That was what was wanted, if it could only be put into an Act of Parliament. The effect of the Amendment of the right hon. Gentleman the Member for the University of London was really to express the serious character of the annoyance to be such as practically to destroy the man's free will. His object was to secure perfect freedom of individual action on the part of the workmen against all-comers whether masters or fellow-workmen. That was his sole and sincere object. He believed the words of the right hon. Gentleman carried out that object, and he would adhere to them till better words were suggested.

LORD ESLINGTON, on the other hand, viewed the words with very considerable apprehension. It was all very well to talk of serious molestation. Suppose a man owed another a sum of money and the other followed him about. That would certainly be a serious annoyance. But ought it to come within the law?

Question put, "That the words 'seriously to annoy or' stand part of the Clause."

The Committee divided:—Ayes 264; Noes 100: Majority 164.

MR. MUNDELLA said, that the right hon. Gentleman the Secretary for the Home Department had intimated to him his readiness to accept the Amendment of which he (Mr. Mundella) had given Notice, provided he substituted £20 for £5. He was very much obliged to the right hon. Gentleman, and he had great pleasure in adopting his suggestion. His Amendment would now therefore run thus—in line 12, after “liable to,” insert “a fine not exceeding twenty pounds, or to.”

Amendment, as amended, *agreed to.*

Clause, as amended, *agreed to*, and added to the Bill.

Preamble *agreed to.*

House resumed.

Bill reported; as amended, to be considered upon Tuesday next, at Two of the clock, and to be printed. [Bill 260.]

#### EMPLOYERS AND WORKMEN BILL.

(*Mr. Secretary Cross, Mr. Attorney General, Sir Henry Selwin-Ibbetson.*)

#### [BILL 202.] CONSIDERATION.

Bill, as amended, *considered.*

Clause 3 (Power of county court as to ordering payment of money, set-off, and rescission of contract, and taking surety).

MR. ASSHETON CROSS said, he had an Amendment to propose which he trusted would meet with the acceptance of the House. When he originally came to consider how an order upon the defendant to perform his contract should be enforced, it occurred to him that if the master or servant waived his right to obtain damages at once, an order should be made for the performance of the contract, and that the plaintiff should be able to ask for a summary mode of obtaining the money which he had a right to demand. The clause he had inserted with regard to the order upon the defendant to perform his contract was proposed in the interest of the men themselves, and he had no intention of reviving the punishment of imprisonment for breach of civil contract. He repudiated any intention of reviving imprisonment by these words, and he trusted that the House would acquit him

of any such intention. But finding that an impression had gone abroad that such might be the practical effect of the clause, he had now to propose another plan, which would, he believed, induce persons to become sureties for a person against whom damages were given without imprisoning the man himself. Instead of awarding damages, resulting in the case of non-performance in imprisonment, the Court might order that the man should perform his contract and require sureties that he would do so. If the surety were called upon to pay the money for the person against whom damages had been awarded, he would have the same right to recover the money against the defendant which the master originally had. Without further explanation, therefore, he would move in page 2, line 14, after “defendant,” leave out “to” and insert “and one or more surety or sureties that the defendant will.”

MR. MUNDELLA heartily assented to the proposal, which was practically the one he had himself made on Monday, and which the House had then divided upon.

Amendment *agreed to.*

MR. ASSHETON CROSS then moved, in page 2, line 17, leave out from “and may be,” inclusive, to end of Clause, and insert as a separate paragraph—

“Any sum paid by a surety on behalf of a defendant in respect of a security under this Act, together with all costs incurred by such surety in respect of such security, shall be deemed to be a debt due to him from the defendant; and where such security has been given in or under the direction of a court of summary jurisdiction, that court may order payment to the surety of the sum which has so become due to him from the defendant.”

THE MARQUESS OF HARTINGTON thanked the right hon. Gentleman for the course he had taken in adopting an alteration which was precisely that for which during a considerable debate the Opposition had contended. The Bill, as amended, would meet with the unanimous consent of the House, now that it contained no provision for imprisonment for the breach of a civil contract. They were ready to admit that the right hon. Gentleman had introduced the Bill in what he conceived to be the interest of the working men; but it contained a most objectionable provision, and he trusted that the right hon. Gentleman



would admit that the Opposition were justified in the somewhat pertinacious objections which they offered to the clause.

MR. ASSHETON CROSS said, he did not wish to make the Amendment the subject of controversy, and he was grateful to the House for the manner in which they had received it. He had not seen his way on a former occasion to give the surety that right which he thought he ought to have against the defendant, and the Amendment supplied that which was not suggested the other night.

*Amendment agreed to.*

*Clause, as amended, agreed to.*

*Clause 9 (Summary proceedings).*

MR. ASSHETON CROSS then moved, in page 5, line 4, after "summary jurisdiction," insert—

"And in particular for the purpose of regulating the costs of any proceedings in a court of summary jurisdiction, with power to provide that the same shall not exceed the costs which would in a similar case be incurred in a county court."

*Amendment agreed to.*

*Clause, as amended, agreed to.*

Bill to be read the third time upon Tuesday next, at Two of the clock.

#### SUPREME COURT OF JUDICATURE ACT (1873) AMENDMENT (SALARIES &c.).

##### RESOLUTION. COMMITTEE.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."—(*Mr. Attorney General.*)

SIR WILLIAM HARCOURT, who had given Notice of a Motion that the House go into Committee that day three months, said, he had placed the Amendment on the Paper, because he regretted the course which the Government had taken, no doubt, reluctantly, under pressure of Motions from both sides of the House. It might perhaps be necessary for him to seek the protection of the two Bills which had just been dealt with against serious annoyance, because for protesting against an indefinite multiplication of the number of Judges he might be regarded as a "black sheep" by the great profession to which he had the honour to belong. But the hon. and learned Attorney General had given Notice of an Amendment, to be moved on the Report of the Judicature Act

Amendment Bill, which in a great degree obviated the objections which had led him (Sir William Harcourt) to give Notice of opposition to the Bill. The number of Judges of the First Instance were by the Bill of 1873 reduced by three, it being understood and expected that the amelioration of the law and the economy of judicial time under the new procedure would enable a smaller number of Judges to do a greater amount of work. It was also proposed that three additional Judges should be made Members of the single Appellate Court which it was the intention to constitute under the Act of 1873. That intention was continued in 1874, and in 1875 the Bill as it came down from the other House maintained that reduction of three in the number of the Judges of First Instance. It was, however, still more beneficial than the Act of 1873, because, instead of adding three new Judges to the Appellate Court, it only created one new Judge and took two Judges from the Judicial Committee for the new Intermediate Court of Appeal. The Government therefore proposed to economize five Judges as compared with the original proposal. But what occurred 10 days ago? The first thing done was to abolish the three Judges of First Instance, as provided in 1873 and subsequently affirmed and re-affirmed. The next, and of this he approved, was to give up the proposal to take two Judges from the Privy Council; and the next was, instead of creating one new Judge, to create three new Judges of the Appellate Court, thus practically adding to the original scheme no fewer than five new Judges. A more inconsiderate proposal, one less capable of being supported by any consideration of public expediency or economy, he could not conceive. He was happy to think that the Government thought so too, as that morning a proposal appeared on the Paper in the name of the hon. and learned Attorney General which, if adopted, would strike off two of the five new Judges. Instead of creating two Judges for the Court of Appeal, two of the Common Law Judges were to be borrowed when their services were required. With respect to the continuance of the present number of Judges, he knew it was hopeless to resist the proposal, but he was no less sorry it had been determined on. It was said that the Judges were overworked. He was

*The Marquess of Hartington*



not at all certain about that; but if they were, how did it happen that a case of which they had all heard so much—the Tichborne Case—had been sent to be tried before three of the Common Law Judges at Bar, instead of, as it ought to have been, to the Central Criminal Court, where it would have been tried by one Judge? Three Judges were thus occupied for months, and one or two others went abroad—at least four being absent from the ordinary judicial work. The object of the Judicature Act was to economize the time of the Judges, so that a fewer number might get through more work. It was not the smallness of the number of Judges, but the absurd disorder, the ludicrous want of organization which prevailed, which prevented the legal business of the country from being readily got through. It was impossible to tell where the Judges were to be—now they were at Westminster, now at Guildhall, now on Circuit; and that was the state of things the Act ought to remedy. It ought to abolish the Long Vacation, deal with the Circuits, do away with the distinctions between Queen's Bench, Exchequer, Common Pleas, Admiralty, and Equity Courts, so that there might be that interchangeability which would enable the judicial strength to be fully utilized and the time of the Judges economized, and which was essential to anything like effective organization. The assertion that more Judges were required was a most bitter censure upon the Judicature Act. It was an admission that it provided no real legal reform at all—that what it did was to create more Judges. He was himself an advocate of Law Reform, but he would never advocate Law Reform which resulted in the mere creation of new places for Law Reformers. What was the present position? Under the Act of 1873 there were three Judges of Appeal to be created, but the Government having abandoned the creation of the great Final Court of Appeal—at least, for the present Session—proposed to constitute an Intermediate Court of Appeal. He had always objected to an Intermediate Court of Appeal, because in the legal profession there was not sufficient material out of which two good Appellate Courts could be constituted. If the House, instead of making one strong Appellate Court, established two indifferent and moderate Courts of Appeal

it would be doing that which would not strengthen the law, while it would enormously increase the expenses of litigation. The proposal carried two days ago to create two new Judges for the Intermediate Court of Appeal was one of the most unreasonable proposals ever made, because the Court was to be temporary and provisional, and to last no longer than one year. But the Government now made a reasonable proposal, as far as circumstances would admit, for they were going to borrow *pro hac vice* two Judges from the Courts of First Instance in order to transfer them to the Appellate Court when their services were required there. Under all the circumstances, he would not move the Amendment he had placed on the Paper, in the hope that the Government would not create additional Judges, and that they would so amend the Bill as to render it a good measure.

MR. GREGORY said, that as he was to some extent responsible for what had taken place in reference to this matter, he considered he was called on to vindicate the course adopted, and the opinion he still entertained concerning it. The state of things at present in reference to the despatch of legal business was not satisfactory, and it was only necessary to refer to the large number of remanets standing over for trial to show the inability of the Judges, under the existing system, to get through the business of their Courts. He hoped the new system would remedy that unsatisfactory state of things—a state which was attended with heavily increased law expenses and vexatious delay in the administration of justice. There was a further improvement also to which he looked forward. Under the existing system most trivial points were referred to the opinion of the Court above; and he hoped a great part of the judicial strength, now wasted to a certain extent by the sittings of the Judges *in Banco*, would be more judiciously applied under the Act of 1873 as supplemented by the present Bill. He trusted that there would be continuous sittings in London and Middlesex, and that more time would also be given for the proper trial of civil causes on Circuit. But in his opinion the constitution of the Intermediate Court of Appeal was one of the most important requisites in reference to the working of the Act of

1873. The presence of the Chiefs of the respective Courts could not be relied on in the Court of Appeal. You could, therefore, only rely on the two Lords Justices and the new Judge to constitute the Court. But the Appeal Court would have to dispose of appeals from the Lords Justices, the Courts of Admiralty, Probate and Divorce, and Exchequer Chamber, probably with many cases which now went to the Courts *in Banco*. Now, three Judges were quite inadequate to dispose of this business. The Lords Justices at present heard about 200 cases a-year, and their business alone was quite as much as any Court could dispose of properly. For the other appeal business there must be another Court which would find full occupation. It was proposed that this Court should be made up of Judges taken hap-hazard *pro hac vice*, or the request to the Chiefs of the Courts of First Instance. Now, with great respect for the Bench, it was well known that some Judges were men of greater capacity than others. Well, then, if for the constitution of the Court of Appeal two strong Judges were chosen, the Court of First Instance would be weak; and if two weak Judges were chosen the Appeal Court would be of the same character. He regretted the change which the Government proposed to make, because it was of the greatest importance in bringing a new system into practice that it should be regulated, to a considerable extent, by a Court of Appeal, and it must be anticipated that a greater number of cases would come up on appeal than was the case now. It was derogatory to a Court of Appeal that its Judges should be taken from another Court as it were by the job, and the same respect would not be paid to its decisions. It was of great importance that the Appeal Court should be well constituted at starting, for a weak tribunal might crystallize faulty decisions which it would be very difficult afterwards to get rid of. The money required for the purpose of properly constituting the Court might be saved by a better regulation of offices and a better distribution of the work. The general opinion of both branches of the legal profession was, that the Common Law staff of officers was in excess of what was required. If the Masters were brought together and worked together, instead of

having four of them in each Court, one-third of their number might be dispensed with, and the Associates and Clerks of Assize might be utilized and appointed to vacancies as the Masters fell off. Again, many of the clerks attached to the offices might also be saved; and by these economies three Judges might be provided with little additional cost to the country.

MR. GLADSTONE said, it did not seem likely that the House would go to a division, or in that case he should have been content to give his vote without occupying the time of the House. The hon. Member opposite (Mr. Gregory) insisted upon a large increase of the public charge in the appointment of Judges whose offices had been prospectively abolished, while at the same time he pointed out countervailing economies by the reduction of certain officers of the Courts. That was an exceedingly pleasant and satisfactory prospect, the only drawback being that the increase of charge was about to take effect while the economies were in the air and dwelt in the region of possibilities. The public would have to endure a certain outlay, while the compensations were purely visionary, and he, therefore, wished those who had shown such zeal in recommending an augmentation in the number of Judges would equally apply their abilities and experience in the work described, and introduce a clause in the Bill for the purpose of giving effect to the economies held out as compensation for the additional charge. He (Mr. Gladstone) was almost a solitary representative of opinions respecting public economy which, 30 years ago, were the opinions of all men of any note in both political Parties alike. Since that time a great fundamental change had occurred; and although, of course, any objection taken by him must, in the first instance, be taken to the conduct of the Government, who were immediately and primarily responsible, yet he must frankly admit that the course they took was one which appeared to be urged upon them by the profession, which did not seem to be disapproved by the House, and as to which he could see no decided symptoms of disapproval by the country. It now seemed to be the desire of the country, in entire reversal of the principles and ideas which prevailed 20, 30, or 40 years ago, that our establish-

Mr. Gregory

ments should be enlarged and the expenses of the Government increased from year to year; and, as long as public opinion had this tendency the country would never find any difficulty in discovering political Parties—he knew not whether on both sides of the House, but, at all events, on one side—who would readily undertake to conduct the work of the Government upon these principles. As to the work of the Judges, it was impossible for outsiders to contend with the Members of the profession who had led on the assault upon the public purse in this matter with respect to the details of the work of the Judges. He could only point to the solemn and deliberate judgment of Parliament in 1873, and consider that which they were now doing in comparison or contrast with that judgment. He was never very proud of the achievements of the late Government in the matter of public economy. They had to contend with difficulties which were no doubt felt by the present Government who, perhaps, might otherwise be inclined to respect the lingering traditions of other times, when it was thought one of the great duties of Parliament to restrict and restrain the public expenditure. At the same time something was done in the Act of 1873. He gave the utmost credit to his hon. and learned Friend the Member for the City of Oxford (Sir William Harcourt) for the stand he had made on this occasion, because, as a distinguished member of a great, learned, and distinguished profession, invaluable to the country in their sphere, it could not be agreeable to him to oppose himself to the general sentiment of his profession. In one respect his statement admitted of being enlarged. It was perfectly true that, in the Act of 1873, while Parliament provided for the extinction of three Judges of First Instance, it provided for the creation of three new Judgeships with a view to man the Court of Appeal as then contemplated. But that was not the whole case. The three new Judgeships were not to be created for the purpose of trying English cases. All these Judgeships were expressly created with a view to fill them by persons who might represent the profession of Scotland and the profession of Ireland in the Court of Appeal. Consequently, as far as England was concerned, these were reductions of Judgeships; and, on the other

hand, one new Judge was appointed who was to form part of the Appellate Tribunal. The Bill embodying this proposal was always recommended to the public upon the ground that our judicial establishments were enormously wasteful, and that the loss of judicial time and power was such that establishments were created for which there was no necessity; because, by better arrangement of these establishments, the same work could be done with a much smaller expenditure of power. It was on that basis that Parliament was induced to address itself to the formidable and serious task of interfering so much with the ancient traditions of British Judicature, and of re-casting the Court in which the higher causes of the country were to be tried. What was the result? That the flowery promises of great economy and the prevention of the waste of judicial power had vanished into thin air, and an absolute addition was to be made to the number of Judges for the purpose of carrying on the judicial business of the country. He hoped he had not done injustice to the Government in the matter. Those who were in his position—those who drew their recollections and traditions from other days, must be thankful for the smallest mercies, and therefore he made his bow to the hon. and learned Attorney General for the merciful manner in which he had dealt with the country, for he frankly admitted that if the hon. and learned Gentleman had adhered to the whole of the propositions which had been put before him on a former occasion, or even had he wished to go beyond them, he (Mr. Gladstone) was afraid there would be in the House no power of offering any effectual resistance. The limited concessions they had were due to the merciful and generous feelings of the hon. and learned Gentleman, and he (Mr. Gladstone) was truly thankful to him. Viewing the question by the light of a long experience, he was very sorry to be compelled to say that these Law reforms turned upon establishments, and turning upon establishments, he would not say what they generally contemplated; but what they generally involved was the creation of new establishments, the continued existence of the old establishments, the pensioning and providing for the old class of officers, and the appointment of a new class of officers in their place, who





of Common Law Judges. He should be failing in his duty if he did not, on behalf of the commercial community, express his approval of the decision of the Government, and vindicate the course pursued in this matter by those Members of the Bar who, he believed, were actuated solely by public considerations. The right hon. Member for Greenwich did not make sufficient allowance for the increase of the population and commerce of the country, which necessitated an increase of judicial power, just as the expansion of the London and North Western Railway system involved the increase of its staff. The mercantile community were dissatisfied with the injustice to which they were exposed from causes being frequently postponed or referred on account of the impossibility of getting them tried. The present condition of things was a perfect disgrace. It would be true economy to afford the means of obtaining justice promptly, instead of exposing the community to the annoyance and loss now suffered, and he was quite prepared to accept his share of the responsibility if the number of Judges were increased as proposed in order to ensure continuous sittings for the trial of the important mercantile causes constantly arising in the metropolis.

*Resolution considered in Committee.*

(In the Committee.)

*Resolved*, That it is expedient to authorise the payment, out of the Consolidated Fund, of any charge for Salaries, Allowances, and Pensions which may arise in consequence of the repeal, by any Act of the present Session, of such part of section five of "The Supreme Court of Judicature Act, 1873," as limits to twelve the number of Puisne Justices and Junior Barons to be appointed Judges of Her Majesty's High Court of Justice.

*House resumed.*

*Resolution to be reported upon Monday next.*

#### SUPPLY—REPORT.

##### ACTIONS AGAINST MAGISTRATES.

*Resolutions [July 15th] reported.*

(3.) "That a sum, not exceeding £58,653, be granted to Her Majesty, to complete the sum necessary to defray the Charge which will come in course of payment during the year ending on the 31st day of March 1876, of Criminal Prosecutions and other Law Charges in Ireland."

*First Two Resolutions agreed to.*

*Motion made, and Question proposed, "That the Third Resolution be now read a second time."*

CAPTAIN NOLAN proposed to reduce the Vote by the sum of £100, estimated for—

"Expenses of Actions taken against Resident Magistrates, Divisional and other Justices, and the Constabulary for acts done by them in the execution of their duty."

He said, that by giving a special sub-head to this Vote the Government had drawn attention to it, so that if it were passed without observation no complaint could be made against them. Although the amount was small, the principle involved was important; for this was the first time such a Vote had been taken. He did not assert that there were not cases in which magistrates ought to be re-imbursed their expenses in defending actions brought against them for what they had done in the discharge of their duty; but he objected to an Estimate being taken in advance, because it might afford an excuse for an unscrupulous Minister to support a subordinate in a wrong course; and, further, because the existence of the item on the Estimates would be followed by an increase in future years which would still further encourage abuse. He did not object to generosity towards magistrates, but the generosity should be exercised by the House of Commons in respect of any case brought before it.

SIR MICHAEL HICKS-BEACH said, that the Vote appeared upon the Estimates in pursuance of an undertaking which he gave last year. The hon. and learned Member for Limerick (Mr. Butt) then complained that money had been paid for defending actions against the magistrates and constabulary for acts done by them in the execution of their duty. He told the hon. and learned Member that if the Government undertook to defend these actions it ought to do so openly and by a Vote of the House of Commons. He accordingly asked his hon. Friend the Secretary to the Treasury to put down a small sum in the Estimates for this purpose. These expenses might exceed the sum of £100, but, on the other hand, they might fall below it.

MR. RONAYNE said, that as the time for suspending the sitting was close at hand, he would move the adjournment of the debate.

*Motion agreed to.*

*Debate adjourned till To-morrow.*

And it being now Seven of the clock, the House suspended its sitting.

The House resumed its sitting at Nine of the clock.

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### SHANNON NAVIGATION ACT.

##### OBSERVATIONS.

THE O'CONOR DON, in rising to call the attention of the House to the evidence given before the Commissioners of Public Works in Ireland, at the recent inquiries held under the provisions of the Shannon Navigation Act, 1874, said, he did not wish to weary the House by going into details upon the past history of this subject; but, at the same time, it was necessary that he should state a few facts as to the efforts which had been made for a series of years by successive Governments for the improvement of the navigation and the drainage of the lands watered by the Shannon. The question was one which interested not only the private proprietors along the river, but the public, and it had, some 40 years ago, attracted the attention of Parliament and the Government. In consequence, a sum of nearly £600,000 had been expended upon improvements, chiefly directed towards the better navigation of the river, and more than one-half of the amount expended had been repaid by the counties adjacent to the river. That money was expended by the Commissioners without the proprietors of the lands affected having the slightest voice in the matter, and the result was that, although the navigation of the river was undoubtedly greatly improved, the lands were not freed from liability to disastrous floods. Several of the chief proprietors of the riparian lands met after the disastrous floods of 1861, and agreed to present a Memorial to Parliament, praying that they might be permitted to make the necessary improvements at their own expense, for the river was not private but public property, and could not be touched by any private individual without the permission of the Legislature. That was the first step in the more

modern agitation with respect to the River Shannon. The prayer of the Memorial was not granted; the Government refusing to allow the memorialists to make these improvements at their own expense. But those periodical overflows, and the loss of crops and other damage thereby done to the proprietors and tenants, induced the Government to institute an inquiry, and they appointed a most eminent engineer, Mr. Bateman, to carry on the investigation, whilst the proprietors, on their side, appointed another engineer, Mr. Lynam, and each of those gentlemen had made Reports on the subject. The result was, that after considering these Reports, the Treasury agreed to adopt the plan submitted to them by Mr. Bateman, and to carry it out at an estimated cost of £200,000, one-half of which was to be borne by the proprietors and the other to be a free gift from the Treasury. The Bill in which this proposal was embodied, for reasons to which he need not allude, failed to pass the House, and so the matter stood when the present Government came into office. He wished to say that the right hon. Gentleman the Chief Secretary for Ireland (Sir Michael Hicks-Beach) had, on his accession to office, visited the whole of the district, made himself acquainted with all the facts, and had shown an earnest anxiety to promote the object in view. After the investigation made by the right hon. Baronet, a Bill was introduced last Session in reference to the improvement of the Shannon, and he believed that it was brought in and passed into law with a sincere desire on the part of Her Majesty's Government that it might be the means of effecting a great public good; but it was, in fact, one of the very worst that had ever been proposed in connection with the River Shannon, because it was utterly impracticable. Under its provisions a free grant was to be made from the Exchequer of £150,000 for the carrying out of the necessary works, on the condition that the proprietors of the lands to be benefited would charge their estates to a like extent. This, at first sight, might seem a very generous offer, and one that the proprietors should gladly accept. The late Government had proposed to give a public grant towards the improvement of the river of only £100,000, and when the present



Government offered £150,000, it might seem very unreasonable on the part of the proprietors to object; but it must be recollected that the increased public grant was to be dependent on an increased charge on the lands, and that whereas under the Bill of the late Government the lands were to be charged with £100,000, under the present Act they were to be charged with £150,000.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

THE O'CONOR DON resumed: The question, therefore, with the proprietors, was whether the benefit to be conferred upon their estates would be equal to the charge to be imposed upon them, and they were unanimously of opinion that it would not. They, therefore, objected to the carrying out of the plans. They would be charged at the rate of £7,500 a-year, while the utmost estimated improved value was not put higher than £5,000 a-year. The evidence given before the Public Works Commissioners on the subject by both owners and occupiers bore out this fact, and the Commissioners themselves showed in their remarks that they did not dispute it. [The hon. Member then quoted from the statements of the Commissioners showing that they did not dispute the contention of the proprietors that the proposed annual charge was excessive.] The evidence also clearly showed that it was not the entire removal, but the regulation of the waters that was sought after. The proprietors did not desire that the ordinary winter floods should be altogether removed, except where they were injurious; but, of course, they wished that the summer and autumn floods should be entirely done away with. He freely admitted that the opinion as to the retention of the ordinary and non-injurious floods was more strongly expressed in this inquiry, both by landlords and tenants, than it had ever been before; but this was not a new idea as the Commissioners seemed to think. So long ago as 1838, Mr. Nicholson, an engineer appointed by the Government, reported that the retention of the winter floods would add considerably to the value of the lands, and in the late engineering investigation, Mr. Lynam, according to his statements before the Commissioners, calculated upon retain-

ing these floods, and no scheme would ever be accepted or approved by the proprietors which did not provide for their retention. Before the introduction of the Bill of the late Government a valuation of the lands was made by joint valuers, one appointed by the Government and the other by the proprietors, and the charges which they thought could safely be placed on the lands, in consequence of the proposed improvement, were increased 50 per cent in the present Act. If, then, it were proved and tacitly admitted by the Commissioners themselves that the lands would not be benefited to the extent of the annual charge, could the landlords be expected to approve of this unless they were devoid of common sense? He might be told that he was premature in bringing forward the subject now, because until November the assents and dissents would not have been all sent in under the Act. It was, however, well known that the population had dissented, and he therefore saw no reason why the matter should be allowed to rest for another six months. The proprietors had refused to accept the scheme of 1874, chiefly on the ground that the charge upon their land was excessive; but they had expressed their readiness to approve of a scheme which would charge their land up to the full extent of any value derived from the execution of the works. As this point had been disputed, he wished particularly to refer to the evidence regarding it. In page 58 of the Blue Book, Mr. O'Ferrall, on the part of the Marquess of Clanricarde, Lord Dunsandle, and other chief proprietors of the county of Galway, said—

"I beg to say that they are quite willing to pay to the extent of the improvements done to the lands, but they object to pay any more."

Again, Mr. Fair, on behalf of the chief proprietors in Roscommon, made a similar statement, whilst numbers of individual proprietors such as Mr. Kyle, Mr. Kelly, and others corroborated this view. He urged the Chief Secretary for Ireland to give his attention to this subject during the Recess, and hoped the right hon. Gentleman would see his way to introduce a Bill next Session for the purpose of amending the Act of 1874. That Act had been tried and found wanting, and it was impossible to expect the proprietors to work under it. It was possible to amend it in such a way that

by a much smaller expenditure equally good results might be accomplished. In the reach of the river between Castleconnell and Killaloe a very large expenditure of money was estimated. The extent of the land in that reach was only about 600 acres, and he believed the estimated cost per acre for improving the land in that district would be something like £30, or more than the fee-simple of the land. The proprietors there had expressed a desire to remain as they were; and, as the expenditure in that part would be very heavy, he suggested to the Government whether that part of the scheme might not be left out altogether. He would also suggest, as a system of regulating weirs must form part of any scheme which might be adopted, that this should be tried first before any expensive excavating works were undertaken. Many of the proprietors believed that this would be sufficient, and they were supported, to a certain extent, by engineering reports, and, beyond doubt, the substitution of regulating weirs in place of the fixed immovable stone-dams now placed across the river would accomplish much good. He would conclude by again expressing the hope that the Government would consider the question during the Recess, with a view of proposing a scheme which would be acceptable generally.

SIR PATRICK O'BRIEN also expressed upon the Government the necessity of amending the Act of 1874, and contended that the evidence given before the Public Works Commissioners in Ireland went to show that on utilitarian grounds the scheme would be ineffective. In the evidence taken before the Commission a scheme was disclosed, which, at one-half the cost to the rate-payers, was likely to effect all that was desired.

CAPTAIN NOLAN, as representing the county which would be the most largely taxed under the Act, pointed out that the Government had taken the whole responsibility upon themselves, because they had refused to listen to the Amendments which the Irish Members at the time desired to propose, and had incited them to dissension among themselves. Clever as was the manœuvre of the Chief Secretary, however, it had completely failed. A dam was built without any sluices, and the engineer-

ing evidence went to show that when there was a heavy rainfall, the water overflowed the dams and flooded the surrounding country. The Government had made a huge engineering blunder, by building dams across the river without sluices, and he thought that the Government might therefore be fairly asked to solve the problem out of the Imperial Exchequer solely. The probable cost would not be more than £30,000. There was, he might add, a second plan which might be adopted, and that was that they would undertake to carry out the necessary works and not charge any of the proprietors, of whose acceptance of the present scheme there was not the slightest chance, for a larger annual value than that in which he was benefited by those works.

MR. FAY expressed his surprise at the absence of the Irish Members who sat on the Ministerial Benches from a discussion to which they certainly could not object as having no practical bearing on the interests of Ireland.

SIR MICHAEL HICKS-BEACH said, the hon. Member who had last spoken (Mr. Fay) had brought an indictment against hon. Members representing constituencies in the North of Ireland for not being present on the discussion of a question which did not greatly affect them; but he thought it right to remind the hon. Member that he had heard complaints of the too frequent absence of hon. Members who professed the same opinions as his own when subjects of great national importance were discussed. As to the question now under consideration, he must say he was somewhat surprised that the hon. and gallant Member for Galway (Captain Nolan), while he had spoken of many Governments as having been in error with respect to it, should have charged the present Government with the final iniquity of having proposed to Parliament a scheme fair-seeming, but inadequate to carry out the purpose which they professed to have in view, and having endeavoured to carry that scheme by exciting divisions among hon. Gentlemen representing Ireland. The hon. and gallant Member was, he could not help thinking, a little too suspicious, for the whole basis of the Act of last Session, which contained within itself very large concessions from the Imperial Exchequer on behalf of Irish interests was, that those locally interested should

first consent to tax themselves to a certain extent in order to carry out a work by which they would be principally benefited. He did not complain that the subject had been introduced to the notice of the House by the hon. Member for Roscommon (the O'Connor Don). Although it could hardly yet be said that the Act of last Session had proved a failure, he fully admitted, from the number of objections raised to it, that hon. Members were quite justified in bringing the matter before Parliament. With regard to the drainage of the Shannon Valley, the statement of the hon. and gallant Member for Galway was scarcely accurate. Unquestionably it was originally contemplated that the drainage of the Shannon Valley, as well as the navigation of the river, should be improved; but that was quite a secondary object, and it was, to a great extent, effected. It was because the Government felt that the question was of national importance, and that the works were of such magnitude that they could not be entirely executed by local resources, that they proposed the Act of last Session by which they undertook to meet one half of the cost. From the time the subject was first brought before Parliament, in 1861, it was understood that not only the summer, but also the winter floods were to be guarded against; but no sooner was the assessment made for the works than the landowners suddenly discovered that, so far from the winter floods being disastrous, they were really beneficial, and that, instead of paying anything to the Treasury, they themselves ought rather to be compensated for the injury done them by good drainage. In fact, some of the proprietors protested against the Act altogether irrespective of the amount to be charged upon their lands. He found it stated generally that the proprietors at the upper end preferred to remain as they were, as the proposed works would do them harm. Others complained that the assessment was far beyond the value of any improvement that their lands could possibly derive from the undertaking. They had in the evidence the statement of one landowner that land which now brought him from £7 to £8 per acre would be reduced to 30s. or 35s. per acre if the winter floods were drained off; and one proprietor of the same

name as the hon. and gallant Member for Galway told them point blank that he ought to be paid compensation for the drainage works. Of course, if the winter floods were really a benefit and not an injury to the Shannon Valley, it was easy to understand those statements; but it was very unfortunate that this distinction between summer and winter floods had hardly been ever mentioned until an Act had been passed to remedy the grievance which had been complained of for many years. As it was, the position was somewhat discouraging. No doubt, it was asserted by the proprietors' agents that the Shannon waters could be regulated so as to improve the neighbouring lands at a cost of £150,000, instead of £300,000. On the other hand, the opinions of the experienced engineers of the Board of Works and also of Mr. Bateman pointed in an entirely opposite direction. All those gentlemen said that the mere regulation of the floods, which had been suggested by one or more speakers that night, would be wholly insufficient to remedy the evil. That question was referred years ago to Mr. Bateman, one of the foremost engineers who had devoted themselves to that class of works; and he did not think, looking to the large amount of public money that was involved, that the Government would be justified in preferring Mr. Lynam's opinion to that of Mr. Bateman. It might be that what was necessary to regulate the summer and autumn floods might be obtained without incurring the entire expense proposed by the existing Act of Parliament. That was a question which might be inquired into, and certainly the existing Act would give the Government ample power to effect that object, because the Act did not compel them to expend £300,000, but only fixed that limit to the expenditure, and provided that half of the sum spent should be paid by the owners of the land that was benefited. If it could be satisfactorily proved that by the adoption of a modified scheme all the benefit that was really required by the landowners and tenants of that valley could be effected for less than the £300,000 which Mr. Bateman last year calculated would be the probable cost of the plan, then all that was necessary might be secured without any alteration



be cut from under them. Take the matter of pay—and this is the least of their grievances. Though the pay of an Army surgeon commences only at the same rate as in 1793—namely, 10*s.* per day, yet the rise of 2*s.* 6*d.* per day every five years to 17*s.* 6*d.* per day would not be unsatisfactory, if the promotion to a higher grade could be relied upon; but for want of a good system of retirement there is a block of promotion steadily increasing, so that though in 1859 the average service in the junior rank was seven years, in 1875 it exceeds 15 years. This stagnation naturally sours the Service, and is a fruitful source of discontent. I am assured also that although there is under the new system an apparent increase of a little over £30 a-year in the pay of the surgeon, his liability to be removed suddenly from one station to another, often with a family, really renders this addition an illusory boon. There is the vexed question of forage. The Royal Warrant places surgeon majors in the position of field officers, and as a consequence they wear spurs, and have the rank of such officers, but by a refinement of absurdity the War Office denies them forage for their horses! So with regard to absence and sick leave, a combatant officer gets leave of absence free of charge or responsibility, the doctor must provide a substitute at his own cost! And if sick leave is granted to him, after six months from India he is put upon half-pay. The hon. and gallant Gentleman opposite says that adjutants are in a similar position with respect to substitutes; but an adjutancy is an appointment paid for in addition to his status as a regimental combatant officer. No doubt the value thus set upon the personal service of the medical officer is complimentary to the profession; but it is a heavy premium to have to pay for a doubtful compliment. It should be considered, also, that even before Purchase was abolished and now, the medical officer enters the service as a means of livelihood by the exercise of his skill. He has not the Peerage—glory, and possibly Westminster Abbey, in view. The highest position he can attain in the Service gives him only £3,000 a-year, while an ordinary general of division gets £4,000 a-year. These higher things are limited to combatant officers; and one of them, the distinguished Sir James Outram, on his death

bed, is reported to have said—"It pains me to think that the services rendered by medical officers to the public have been so ill-requited, and that my efforts to obtain justice for them have been attended with so little effect." I trust these emphatic words of the dying hero may sink deeply into the minds of hon. Members. That distinguished officer, Sir Garnet Wolseley, also, at the Mansion House, said with regard to the Ashantee Campaign, "that the services of the medical Staff were beyond all praise." So in the matter of pensions. A medical officer on the Indian Staff informs me that after 25 years' full service he retired with the rank of major-general with 20*s.* per diem. The combatant officer in the same rank getting £500 a-year, with the possible chance of re-appointment on full pay—but the doctor is shelved for life. The right to exchange, and the losses sustained by the medical officers, are matters on which I do not like to dwell; the only point I would insist upon is, that an exchange should be *bona fide*, as promised in the other branch, and should be placed upon solid and unmistakable grounds. At present this is not so—and medical officers who have given quite £600 for their position have never been recouped one penny. A more grievous complaint is with regard to the honours bestowed upon the medical officers. Anticipating a recent brevet of honours, I ventured to ask a Question of the right hon. Gentleman in this House, whether in any future general distribution of Army honours, the medical service would be more equitably considered? Indisposition kept the right hon. Gentleman from his place. If he had been present, I do not think I should have got the curt and somewhat flippant answer that I did from the hon. and gallant Captain by his side (Captain Stanley)—

"It is considered that the medical officers engaged in the Ashantee Expedition have received their full proportion of the honours and rewards bestowed on that occasion."—  
[3 *Hansard*, cccxxiii. 1509.]

But in that campaign out of 230 combatant officers, many of whom stayed on board ship, 78 were either promoted or decorated, and out of 81 medical officers only 9 got the same reward meted out to them. The volunteers to the Gold Coast were not sufficient; so

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that the medical officers on the rota went in the ordinary course of duty, and so much the more were entitled to a higher share of the rewards. As the Ashantee Expedition was more a war against climate than any other force, I venture to suggest that its success was in no slight degree owing to the science of the medical officers. If, therefore, in such a war, the relation of honours bestowed in one case is as 1 in 3, and in the other as 1 in 9, what hope is there for medical officers that in any future campaigns, without, possibly, the special conditions of the West Coast of Africa, they may escape the disdain that appears to actuate the Advisers of the Crown? Sir, as if to quench for ever any hope that the agitation of this question may have given rise to, a Birthday distribution of the honours of the Bath has since taken place, and amongst a wholesale creation of G.C.B.s, K.C.B.s, and C.B.s, amongst generals, colonels, majors, and captains, amounting to 80 or 90 in all, only one medical officer of the Army was allowed to creep in, who, though a very distinguished officer, had no special claims above numbers of his brethren. Sir, the medical officers naturally ponder upon these inequalities; they do not, in their private relations, hesitate to speak of them, and the result will be fatal to the future sanitary condition of the Army, if the right hon. Gentleman hesitates at once to take the matter in hand. The problem of future rapid military movements practically devolves upon the medical Staff for very much of its solution; and this is the time considered by the War Office suitable for a general snubbing of this important branch of the Service of Her Majesty, I venture to ask the House to take a different view, and that this course of injustice will no longer be tolerated. Sir, the third point referred to in the Resolution I propose to move relates to relative rank. It is one of much importance to the comfort and dignity of the medical profession, which is a branch, let the House recollect, of a profession in which honour is punctilious, and necessarily so. The right hon. Gentleman at the War Office and in this House denied the grievances and also scarcity of applicants. His statement that there was no lack of medical officers is to be explained by wholesale reductions, so as to keep demand and supply

equal. Isolated cases of numbers of marks do not disprove the fact that the Indian Service does really get all the best students. And there is no doubt the discontent in the Army discourages the admission to Her Majesty's Service of the *alumni* of some of the best medical schools in the world. I have purposely avoided obtruding my own advice in the various matters complained of. I think the relief sought for should spontaneously be afforded by the Administration, and not in its details be forced upon it. Respect to Her Majesty's Prerogative and the discipline of the Army forbid any other course. What the medical officers desire is that relative rank should be a reality and not a sham, and that it should date from *The Gazette*. That it should hold in hospitals and barracks, as well as in a regiment, and that none of its advantages should be withheld from the profession. The subordination of the medical to the combatant branch in hospitals is, upon the face of it, a peculiar injustice. A distinguished medical officer formerly at Netley told me, that if, on entering one of the wards of that noble monument of Sidney Herbert, he found the atmosphere impure, he was not entitled to order a window to be opened, but had to send a hospital orderly to the captain of the orderlies for his authority to do so! The House will see by this example how sedulously the doctor, even in his own peculiar sphere, is taught to humble himself and to be humbled, whenever there is an opportunity. In the United Kingdom it may be that the disadvantages resulting to the medical officers are comparatively slight and limited to choice of quarters, as the right hon. Gentleman asserted lately: but abroad it is a serious matter. In India the question of relative rank is stereotyped on the official mind and pervades society. A case is known to me where at an official reception, a young civilian, just after getting relative rank of lieutenant-colonel, took precedence of a surgeon-major after 27 years' service. The medical officers serving in India in 1873 were ignominiously turned out of their regiments, and ever since no surgeon can be really considered as belonging to any mess. He is simply tolerated—that is all. True they have been allowed to wear out their old regimental uniforms; and the anomaly may be witnessed of, for instance, a medical



officer attached to an Infantry regiment wearing the uniform of the Royal Horse Artillery. The injustice of placing a medical officer on half-pay, after a short sick leave, is manifest. If restored on recovery to full-pay he finds that his juniors have in the meanwhile passed over his head; and more than one of such cases have been certified to me. In fact, the system is gradually separating the medical branch of the Service from their brother officers, and it is felt, and strongly felt too, that though liable to mess charges, they no longer belong to the regimental fellowship, and the effect, though possibly slow in its operation, by reason of the past associations, cannot fail to be permanently injurious to Her Majesty's service. It should be recollected, also, that the two classes of officers start already clearly handicapped by the difference of age and education. An officer may enter the Service at 16. The medical officer, only at full manhood, after years of study, and a considerable outlay, can receive his commission, and then finds that he is classed and treated permanently as of an inferior grade, his age, instead of ensuring a certain respect, actually in the race for promotion and rank, telling against him. Sir, I do not feel myself justified in further trespassing upon the time of the House. I have endeavoured, though very imperfectly, to give expression to the sense of injustice pervading the entire executive branch of the medical Service. The administrative officers, so far as I can gather, have less reason to be dissatisfied, and are indeed somewhat favourably treated in comparison with the other class whom they elbow out in a measure; and I assure the House that I have purposely understated my case, in order not to be compelled to introduce cases of individual hardship. I shall be glad if what I have said may have the effect of convincing the House that the case of the medical officers of the Army is not an imaginary grievance, but one of reality and importance, not only to themselves, but to the Army and to the country, and that a full and generous consideration of their claims is imperatively demanded of the right hon. Gentleman and the Government. Sir, I wish very strongly to impress upon the right hon. Gentleman the urgency of the case and the necessity of immediate action in

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the matter, and beg to move the Resolution of which I have given Notice.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "in the opinion of this House, the position of the Medical Officers of the Army with respect to their honours, pay, and relative rank is not in a satisfactory state, and that a revision thereof is desirable,"—(*Dr. Lush*.)

—instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

SIR WALTER BARTTELOT expressed his satisfaction that the hon. Member for Salisbury (*Dr. Lush*) had brought forward that subject in behalf of a most deserving body of men, who had always done their duty. Still, had the hon. Member known the position of those gentlemen when he (*Sir Walter Barttelot*) entered the Service he would have had a very different tale to tell, for there was no body of men who in that respect had been more cared for of late years than the surgeons of the Army, seeing that a physician-general now ranked with a major-general, and a surgeon-general ranked with a colonel. Upon that score, therefore, he did not think that they had much to complain of, while great injury had, he believed, been done them, so far as the position which they held in their regiments was concerned. The aspiration of the medical officers was that they should be considered part and parcel of the regiment, and that the regiment should be their home; but the regiment was their home no longer. Surely it was a monstrous thing that a man should be called upon to find regimentals for a particular regiment and then be transferred nobody knew when and nobody knew where. That was not so in former times; and he was of opinion that the hon. Gentleman had made out that part of his case, and it was a point which should be impressed upon the attention of the right hon. Gentleman the Secretary of State for War.

MR. CAMPBELL - BANNERMAN, having had some degree of responsibility in the issue of the Royal Warrant of 1873, which had been so much referred to by his hon. Friend the Member for Salisbury (*Dr. Lush*), desired to say



a few words in explanation of its object and intention. That Warrant was not issued without full inquiry into the subject. A Committee had sat upon the whole question of medical organization in the Army, and that Committee consisted of officers specially competent to deal with the question. Sir Henry Storks and Sir Garnet Wolseley, two distinguished officers who had both had a peculiar degree of experience in the working of the medical service, were on the Committee; so was Sir Galbraith Logan, at that time Director General of the Army Medical Department; and the very able officer who now filled that position, Sir William Muir, either was a member of the Committee, or, at least, was constantly consulted by its Members, and entirely agreed in their Report. The principal recommendation which the Committee made was the unification of the department, and the establishment of a consolidated Staff service instead of the regimental service which had up to that time prevailed. The House would bear in mind that, while it was very necessary to consider the interests of the medical officers—and he (Mr. Campbell-Bannerman) would yield to no one in his desire to do so—it was still more necessary to consult the interests of the Army itself, and to secure for it the services of efficient medical officers. Now, they might have stringent entrance examinations and thus provide that when he joined the service, an officer should be well qualified; but if that officer was confined to a particular regiment, the experience gained in the course of his service must be small, he would see no variety of disease, his acquaintance with the higher branches of his duty must be limited, and it was found that he was very apt to grow rusty, and to fail to keep abreast of the progress of medical science. One advantage of the unified system was that it gave medical officers the wider experience which they thus required, and the House would see, notwithstanding what had been said in favour of the strict regimental system, that that was a good reason for abandoning it. Another very important advantage was, that the consolidation of the service enabled them to have, as was so desirable, the same system in peace that they should be obliged to have in war. The system, therefore, introduced by the Warrant was that a medical officer should

not be appointed to a regiment, but should be attached to it for five years; and it was not intended that their change from one regiment to another should involve any expense for regimentals, as it was proposed that there should be one uniform for all medical officers. His hon. Friend the Member for Salisbury (Dr. Lush) had made a complaint that officers removed, under the Warrant, from regiments had received no compensation for the payments they had made for their appointments, at a time when combatant officers were receiving such large compensation on the abolition of purchase. But the cases were entirely different. The combatant officer had paid a certain sum under regulation; and his over-regulation payments had been inquired into by a Royal Commission, which decided that though illegal, they could not be ignored; Parliament, therefore, could not avoid acknowledging those claims. But if any payments were made by medical officers they were unknown to the military authorities, and they were quite beyond the cognizance of the War Department. It might be that in carrying out this great change hardships had been unintentionally inflicted upon individual officers, but he hoped these would be mitigated as much as possible. The other great object of the Warrant was to facilitate promotion. Owing to the large increase made to the department at the time of the Crimean and Indian Wars there existed, two years ago, the near and certain prospect of an absolute block in the lower ranks. The medical officers then desired, and he believed this was still one of their proposals, that promotion from surgeon to surgeon major should of necessity occur after a fixed period of service. His noble Friend, however, the late Secretary of State, was very averse from fixing by Royal Warrant any positive period for promotion, being aware how unfortunately such an arrangement had worked in other cases; but he thought it would meet the case, and satisfy the officers, if he stated that it was the intention of the Secretary of State that promotion should, on the average, be made after a certain period, without laying it down in explicit terms that that should in all cases occur. He (Mr. Campbell-Bannerman) had not followed the course of events for the last year, but he presumed that the standard of promotion was still not far

from from that which the medical officers wished.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

**MR. CAMPBELL - BANNERMAN** resumed: There was every desire on the part of the late Government to meet the wishes of the medical officers, and they were under the impression, and, indeed, had good reason to believe, at the time the Warrant was issued, that its general principle was agreeable to the department. If there were any minor points, such as relative rank, choice of quarters, and others, in which the medical officers felt themselves aggrieved, he had no doubt the right hon. Gentleman opposite would as far as was in his power relieve them of any just grievance of which they complained.

**DR. WARD**, in supporting the Motion, said, he had no doubt great discontent was felt upon this subject, and that the most prominent grievance amongst the older members of the Army medical officers was the removing them from their regiments, and placing them on the staff by the late Government in a very harassing fashion indeed. This, however, was a wise measure so far as the Army was concerned, because it kept up a knowledge of the profession. But the most important of all their grievances was in connection with promotion. In Lord Herbert's time a medical officer was sure of promotion after serving seven years; now he must serve 15 years. That was a great hardship, and there was only one remedy for it, by providing a compulsory retirement for the older officers after they reached a certain age. After all, the slowness of promotion was the great grievance, and he strongly urged the right hon. Gentleman (Mr. Hardy) to lessen that evil by fixing the age of retirement at 60 instead of 65, as was the case in the Navy. A medical officer had to look mainly to his pay, and on a comparison of years he received less money now, when everything was dearer, than he did 15 or 20 years ago.

**MR. GATHORNE HARDY** said, that the hon. Member for Salisbury (Dr. Lush) and the hon. Member who had just spoken had taken up very different positions, the one dealing with the sentimental and the other with the pecuniary

aspect of the question. He (Mr. Hardy) would be the last man to deny the great merits of the Medical department of the Army, and their title to share in the honour and dignity which naturally accrued to men who served their country under circumstances of great danger, but the honour he was called upon to give to the medical officers of the Army did not emanate from him, but from the military authorities. On the whole, the medical officers of the Army had not much to complain of. Their relative rank had become very high, and with regard to soldiers in hospital it was necessary to maintain discipline, which could only be effected by the combatant officers, who, however, never interfered with the medical officers in the discharge of their professional duties. Moreover, it would disturb the sound rule which had always existed, that the military authority should deal with the discipline, and the medical authority with the health of the Army. As for the proposal to make retirement at 60 compulsory, he believed the great evil was the dearth of medical men for the Army, both with regard to the Army and Navy, as well as the other public Departments, but he had no doubt it would remedy itself before long. He had had the question of rapidity of promotion examined into and actuarial calculations made in reference to it; and if adopted, a greater injustice might be inflicted by it than was now the case under the present system. Before changes like those proposed were adopted they required to be very carefully looked into, and before any alteration was made, he desired that it should be one that would be likely to last. All those matters had to be carefully considered, and he could assure the hon. Member for Salisbury that he was not losing sight of the subject. It was the fact, he believed, that promotion was slowest in some of the best regiments in the country, and practically, he might add, medical officers had become now staff officers, would be treated as such, and would have their own uniform. As to relative rank he could assure the hon. Member that, although there were great difficulties in the way of altering the position which they had always held as juniors of their rank, yet that, believing it to be of the greatest importance that they should have suitable quarters, he had directed

*Mr. Campbell-Bannerman*

that such quarters should, as far as practicable, be assigned to them. He hoped under the circumstances the hon. Gentleman would not deem it to be his duty to press his Motion to a division, but would rest satisfied with the assurance that he was looking into the question in the same temperate spirit as that in which it had been brought under his notice. We must have medical officers, and good medical officers, and if we could not get them without change that change should be made.

DR. C. CAMERON thought the statement of the right hon. Gentleman would give considerable satisfaction to those to whom it related. He might add that the death rate among medical officers was very high—30 per 1,000—while that in the case of the combatant officers was only 15 per 1,000; and would suggest that a thorough alteration should be made in the present system with regard to granting sick leave. The loss of forage was also a practical grievance, involving a pecuniary loss of £30 a-year.

DR. LUSH said, that after the very courteous statement of the right hon. Gentleman he should not press the Motion. He hoped, however, that the changes to which the Secretary for War had alluded would speedily be carried into effect.

Amendment, by leave, *withdrawn*.

Question again proposed, "That Mr. Speaker do now leave the Chair."

ARMY—CAPTAIN J. BALAIR  
CHATTERTON.

MOTION FOR INQUIRY.

SIR THOMAS CHAMBERS, in rising to call attention to the case of Captain J. Balair Chatterton, and to move for an inquiry, said that gallant officer, having been engaged in the Indian Mutiny, had been rendered incapable of service by rheumatism, and not being able, in consequence, to perform his duties, had been charged with "malingering."

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter  
after Twelve o'clock till  
Monday next.

## HOUSE OF LORDS,

Monday, 19th July, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Pharmacy\* (209); Copyright of Designs\* (211).

*Committee—Report*—National Debt (Sinking Fund)\* (178).

*Third Reading*—Bridges (Ireland)\* (198); Artizans Dwellings (Scotland)\* (202), and *passed*.  
*Royal Assent*—Parliament of Canada [38 & 39 *Vict.* c. 38]; Metalliferous Mines [38 & 39 *Vict.* c. 39]; Municipal Elections [38 & 39 *Vict.* c. 40]; Intestates Widows and Children (Scotland) [38 & 39 *Vict.* c. 41]; Glebe Lands, Corporate Bodies (Ireland) [38 & 39 *Vict.* c. 42]; Medical Acts Amendment (College of Surgeons) [38 & 39 *Vict.* c. 43]; Royal Irish Constabulary [38 & 39 *Vict.* c. 44]; Pier and Harbour Orders Confirmation (No. 2) [38 & 39 *Vict.* c. cxvi]; Pier and Harbour Orders Confirmation (No. 3) [38 & 39 *Vict.* c. cxvii]; Chelsea Hospital (Lands) [38 & 39 *Vict.* c. cxviii]; Drainage and Improvement of Lands (Ireland) Provisional Order [38 & 39 *Vict.* c. cxix]; Local Government Board (Ireland) Provisional Order Confirmation (No. 2) [38 & 39 *Vict.* c. cxx].

INDIAN IMMIGRATION—THE COOLIE TRAFFIC.—MOTION FOR A PAPER.

LORD STANLEY OF ALDERLEY rose to call the attention of the House to the Coolie traffic; and to ask the Secretary of State for the Colonies to state the result of his inquiries into the death of two Indian Coolies from flogging in Province Wellesley; and to ask what progress has been made in framing a law for the protection of Indian Coolies in the Straits Settlements; and to move for the law for the protection of Indian immigrants to be laid upon the Table. The noble Lord remarked that on the 11th of May a deputation of the Anti-Slavery Society waited on the Secretary of State for the Colonies to make representations as to Coolie labour in all the Colonies and the necessity of supervision of the transport of Coolies, of the contracts entered into by them, and of their treatment when their engagements expired. Owing to misreporting, the deputation were represented to the world as having requested the Secretary of State to put down Coolie labour, and an evening paper said that the supervision of Coolie contracts was as little necessary as that of Irish or English emigrants' contracts, though those emigrants went out to join people of their own language, religion,



and laws. What really happened was that Mr. Sturge, speaking for himself only, stated to the Secretary of State, what a short time before he had written to the leading journal—that the immigration of Coolies was only the Slave Trade under another name. Now, he would mention in defence of Mr. Sturge that a French Deputy, M. Victor Schoelcher, came over to London a short time before the deputation went to the Colonial Office, to represent the state of the Indian Coolies in the French Antilles to the Aborigines' Protection Society, and he there made a similar statement to that of Mr. Sturge, of his conviction that Coolie immigration could not be distinguished from the Slave Trade, and in support of this view he had brought with him a French colonial newspaper called *The Journal d'Outremer*, containing a report of the excessive mortality of Indian Coolies on different plantations. While excepting the islands of Mauritius and Bourbon and the Straits Settlements, he entirely concurred with Mr. Sturge and M. Schoelcher as to the more distant West India Islands, and believed that it was almost impossible to prevent the transport of Coolies to those islands differing from the Slave Trade. He might remind their Lordships that all the horrors of the African Slave Trade owed their origin to a want of thoroughness on the part of the philanthropists in the beginning of 1500, and to the adoption at that time of the principles, nay, of the very words used by the noble Earl to the deputation—

"Considering the commercial depression that exists in many of the West India Islands, a system of Coolie importations, if it can be administered under due safeguards, should be favoured by Government."

These were the considerations which brought negro slaves to America for the relief of the Mexicans and Caribs, who were fast dying out under the labour imposed upon them, and whose sufferings stirred up the good Bishop Las Casas to write of the destruction of the Indies. The burdens that were destroying the aborigines of America and the Antilles were transferred to the shoulders of the Africans till Wilberforce raised his voice in behalf of those oppressed men, and with such effect that the Africans were now almost everywhere emancipated; but if the Secretary of State for the Colonies did not take

care the error of transporting Africans across the ocean to relieve Americans would be repeated under his auspices, and Hindoos and Chinese would have to relieve the negroes by suffering all the horrors formerly imposed upon the Africans. When his noble Friend the Secretary of State for the Colonies answered the deputation of the 11th of May, he did not think he could have read the Blue Book on the Macao Coolie traffic; not a word in that Blue Book contradicted the assertion of Mr. Sturge, and there was much in the Reports of Sir Brooke Robertson and in the despatches of the Secretary of State for Foreign Affairs which confirmed it. Sir Brooke Robertson wrote—

"I trust this is the last we shall hear of that most iniquitous trade. Publicly and privately I have ever done my best to expose its inhumanity and bring pressure to bear on the Lisbon Government to decree its extinction, and at the last the end has come, and Macao, upon whose shore more tears have been shed than in any other spot on earth, will have to look elsewhere to enrich its citizens, in a more legitimate manner, and more in accordance with the professions of a Christian nation."

This Blue Book contained a table of disasters and mutinies which had occurred to 34 ships containing kidnapped Coolies between the years 1852 and 1872; and he would read a despatch from the Earl of Derby to Her Majesty's *Chargé d'Affaires* at Lisbon, dated October 19, 1874, which said—

"I have to instruct you to express to the Portuguese Minister for Foreign Affairs the satisfaction with which Her Majesty's Government have received His Excellency's assurances of the determination of the Portuguese Government not to allow a revival of the Macao Coolie traffic in any form, as reported in your despatch of the 6th instant."

So long as the Colonial Office could not efficiently provide for the well-being and protection of Indian Coolies in Mauritius, Réunion, and the Straits Settlements, it would be still more doubtful if it would be able to secure these objects and safeguards in the more distant West India islands. The Chinese Coolies in the West Indies were in still greater need of protection than the Indian Coolies, who, being our subjects, found zealous supporters among the Calcutta, Madras, and India Office officials. Most of the Chinese who had been transported to Peru, Cuba, and other parts of A had been taken there against ti or in ignorance of where they w

*Lord Stanley of Alderley*

They did not require to go to America for the purpose of emigrating, for there were ample fields for Chinese emigration nearer China, places to which they could go and find their countrymen and associations ready to assist them on their arrival. And how could the Secretary of State for Foreign Affairs consistently urge the Portuguese Government not to allow emigration from Macao under any form, and even after proposing regulations for the protection of the emigrants, if the Secretary of State for the Colonies were to encourage a similar emigration, and so appear to justify the criticism of the Portuguese Minister, that—

“the British functionaries had markedly hostile dispositions to any emigration which might seek other shores than those of British Colonies?”

It might be readily understood that the Secretary of State for the Colonies should have been rather too much influenced by the Colonists and by Colonial representations, and by the natural desire to hear of flourishing Colonial Budgets, and should have lost sight of the public opinion of this country, which would not allow of the substitution of Chinese for African slavery; he (Lord Stanley of Alderley) might also say the public opinion of Germany, for in the Blue Book on the Macao Coolie traffic there was a note from the German Ambassador strongly repudiating, on behalf of one of his subjects, the imputation of being concerned in this iniquitous trade. The public opinion in Spain and Portugal was also very much changed of late years, for in the modern novels of the Peninsula the villain of the plot was always a slave trader, and the name of *negrero*, or negro trader, was now a most opprobrious epithet. He desired also to call the noble Earl's attention to a matter of which he had been informed by an Australian magistrate—namely, the kidnapping of women in Polynesia, which was said to have become so general that nearly every master of a vessel and many of the mates carried Polynesian women on board their vessels, entered on the ship's articles as wives of men they had nothing to do with. The law of Western Australia, that no women be permitted to be shipped in these vessels, should be copied in the

Colonies. He did not intend to

the case of the Coolies in  
—the— and the Blue  
large;

but when the noble Earl talked of safeguards for the protection of the immigrants, he (Lord Stanley of Alderley) would ask what measures he was taking, and why he had not already taken measures, to remedy the state of things under which the families of Coolies who died in Mauritius were robbed of their property under forms of legal administration? Among the cases of property left by Indian Coolies and absorbed by the curator reported by the Commissioners appointed to inquire into the abuses concerning Indian immigrants into Mauritius might be quoted that of Millapore Monisamy, who died and left effects which were sold for \$630 82c., or about £130. The legal expenses amounted to \$630 51c., leaving a balance of 31c., or 15½d. There were, however, other legal expenses which were defrayed by the sale of Monisamy's jewels, which sold for \$877 52c., or about £183, and when all legal expenses were paid there remained a balance of \$11 53c., or £2 8s. There was also the case of Jaunkee, who went temporarily mad: when he recovered he found that his property, worth £44, had been sold for £8 12s. 4½d., and that 8s. 8½d. of it had been left to his children. He petitioned Sir Arthur Gordon on the subject, who asked why the Curator had meddled with the property. The Governor was told that had he not done so the property might have been robbed; to which Sir Arthur Gordon replied, that in that case Jaunkee would have been no worse off; and he declined to write a Minute on the subject lest he should express himself too strongly. He would also ask the Secretary of State whether he intended to take any steps to relieve the immigrants who had completed their five years' contract service of the heavy charges imposed on them for photographs (2s.) and pass-tickets (20s.). From the Report of the Commissioners it appeared that for a number of 116,333 photographs the sum of £23,311 12s had been charged to Mauritius during five years. The photographer holding the contract informed the Commissioners that his profits were £6,000, leaving £17,311 for the cost of photography; but the Royal Engineers' highest estimate came to £5,201, leaving £12,110 to be accounted for. Two Coolies were flogged by two planters on the Malakoff estate, in Province Wellesley, in the

Straits Settlement; they died of it, and the planters were sentenced to three and four months' imprisonment. These sentences appeared to be very lenient; but it happened that the brother of one of the planters died, and application was made to the Governor, Sir Andrew Clarke, for his release, in order that he might look after the plantation. The Governor accordingly remitted half of his sentence and set him free, and, as the other planter was in the same case, he remitted half of his sentence also, apparently to avoid invidious distinctions. If the Governor had made his remission of the sentence conditional on the payment of some compensation to the families of the Coolies whose deaths they had caused, he would have shown more regard for justice and for those safeguards which the noble Earl the Secretary of State for the Colonies desired to establish for the protection of Coolie immigrants. He (Lord Stanley of Alderley) did not in this matter impute any fault to Sir Andrew Clarke other than that of excessive good nature, and, perhaps an inability to say no; but for the sake of the future, he would ask his noble Friend to join with him in an expression of regret that Sir Andrew Clarke should have allowed himself to be induced by the planters' representations to remit half of sentences which were already too lenient. To show that contracts and engagements of Coolies required supervision and revision by an officer of the Indian Government, he might mention a case which recently happened in the Straits Settlement. Some 70 Coolies had engaged to labour for planters (Messrs. Brown and Co.) for two years, and had had their passage-money from India advanced, which advance had been repaid. These Coolies left off work six days before the complete expiration of their two years, and a portion of them were brought before a magistrate, under the Indian Act XIII. of 1859. The magistrate dismissed the summons, and his decision was reversed by Mr. Justice Ford, who held that these Coolies' contracts were binding on them, which obliged them to be jointly and severally responsible for one another's labour, so that one man out of 100 might have to make good the work of 99 absconders. The appellant, the agent for the planters, did not ask for this, so Mr. Justice Ford only required the magistrate to order the Coolies

(1) to work up the six days, and (2) to work up the loss of labour occasioned to the planters by their default. Now, this decision of Mr. Justice Ford, if it were upheld, would establish a system of slavery. It would probably be met by the Indian Immigrants' Protection Act, now under the consideration of the Colonial Office. This draft Act omitted, however, to limit the period for which Coolies might be engaged. In the Straits the practice had usually been for two years; but in the Mauritius five years was the usual term. He would take leave to read to the House the Secretary of State's opinion of such indefinite engagements founded on advances, taken from his despatch of August 21, 1874, to the Governor of the Gold Coast, in Paragraph 20, in which he was considering how to provide for the abolition of native and domestic slavery. He said—

"But besides slavery proper there is a species of slavery called 'pawning,' which has its origin in contract, and the chief feature of which is that the pawn remains in servitude to a temporary master, as a pledge for debt."

A person whose opinion had great weight with him (Lord Stanley of Alderley) and he believed, would have no less with the Secretary of State for the Colonies, observed to him that before the Straits Settlements passed under the Colonial Office the immigration of Coolies from India was free, and as beneficial to the immigrants as it was to the Settlements. He (Lord Stanley of Alderley) believed that the cause of the change and of the necessity on the part of the Indian Government of imposing restrictions on Coolie emigration to the Straits had been the diminution of protection given to Coolies in the Straits, owing to the falling off in the quality and independence both of Judges and magistrates since the transfer of the Straits from the India Office to the Colonial Office. This falling off of judicial and magisterial quality seemed on the increase, and this downward tendency had been much advanced by the fact that summary jurisdiction formerly confined to the Government police magistrates, had recently lapsed into the hands of merchant and planter magistrates, who were not so well qualified. The noble Lord concluded by asking the Secretary of State for the Colonies to state the result of his inquiries into the death of two Indian Coolies from flogging in Province

*Lord Stanley of Alderley*



Wellealey; and to state what progress had been made in framing a law for the protection of Indian Coolies in the Straits Settlements.

*Moved,* That there be laid before the House, copy of the law for the protection of Indian Immigrants.—(*The Lord Stanley of Alderley*).

**THE EARL OF CARNARVON**, with all respect to the noble Lord who had just sat down, declined to deal with all the multitudinous points to which he had referred. The noble Lord had asked, first, whether any precautions were to be taken against the abuses which had been shown by the Report of the Commissioners recently appointed to inquire into the matter to exist. The best mode of answering this was to refer the noble Lord to the despatch which he (the Earl of Carnarvon) had based upon the Report and sent out to the Colonies, and which contained a great deal of information upon the subject. That despatch contained 27 distinct recommendations, and as the noble Lord had only criticized two of them, the remaining 25 might be claimed on the other side. It had been asked whether precautions would be taken to prevent the property of intestate Coolies from being wasted; and he could only say that this was probably a point well worthy of legislation. But, as a matter of fact, it sometimes happened that, even in our country, the property of intestates was wasted; and, therefore, it was not surprising that something of the same kind should happen in a distant part of the world. He had read an article recently published in a review, and mentioned by the noble Lord; but he was unable to agree with its conclusion that the Coolie system amounted to a modified form of slavery. Abuses might exist in connection with the system; but he saw no insuperable difficulty in the way of dealing with them in the Mauritius or elsewhere. The noble Lord, in speaking on this branch of the subject, had mixed up the question of the importation of Chinese Coolies in foreign ships and from foreign ports, with the importation of Coolies from India and China in English ships, under the English flag and under English law. He was quite willing to concede that the importation of Coolies from Macao under the Portuguese flag had been attended with cruelties and horrors. Whatever might have been the intentions of the

Portuguese Government, there could be no doubt that atrocities were committed under her flag the like of which he utterly and indignantly denied had ever occurred in English ships. If abuses had taken place they had been exceptional. Sir Bartle Frere, in drawing a distinction between the condition of the Coolie in India and his condition in an English Colony, put the case thus: In India the Coolie could not, as a rule, earn more than 1½d. or 2d. a-day, and was nearly always on the verge of starvation. In the British Colonies, on the other hand, he worked only five days in the week, and earned 1s. a-day; if he took task-work, he received for each task 1s.; he was well lodged, he was provided with medical attendance when sick, he was protected by special legislation, protectors were appointed to watch over him, and in almost every Colony he was guaranteed a free return passago to his own country if he desired it at the end of his period of service. Those persons, therefore, who spoke of them as undergoing modified slavery, threw about their words with a recklessness and imprudence which was mischievous, if not something worse. The condition of the Coolie in the English Colonies might be inferred from some figures which he was in a position to give their Lordships. In British Guiana, in eight years ending in June, 1872, 2,100 Coolies returned to their own country, taking with them no less than £64,000 of savings. In 1872, 1,100 returned, with £44,000; and in 1873, 950, with £24,500. From Trinidad, in 1873, nearly 400 returned, with £11,500 of savings; in 1874, 330, with over £16,000; and, besides this, there was no less than £40,000 stored in the Bank of Trinidad by these Coolies; and 60 of them alone had succeeded in placing £6,000 in the Colonial Bank at interest. Their position in the Colonies could not, under such circumstances, be said to contrast disadvantageously with their position in their own country. He would take one more instance. In the Mauritius, in seven years, ending in 1872, no less than £24,000 was remitted by Indian Coolies to India; in 1873, 619 returned home with £8,500; and between 1860 and 1871 the enormous sum of £93,400 was actually invested by Indian Coolies in land in the Mauritius. These figures were so remarkable that they called for

no comment from him. As he had already stated, every Coolie was entitled to a passage back to his own country; but in British Guiana they constantly refused it and preferred to remain in the Colony, and the same thing happened at Trinidad and the Mauritius. He wished he could answer as satisfactorily another part of the noble Lord's statement—namely, that which referred to the grievous cases of harshness and ill-treatment which were said to have occurred on two estates in the Straits Settlements. On inquiry, it was found that no case had been proved in reference to the transactions on one of the estates—the Alma—but on the other there had been gross mismanagement and cruelty, which in the case of some of the Coolies had been followed by the most serious results. There was want of hospital accommodation, of medical treatment, and of proper dwelling-houses, and there had been severe corporal punishment. In this case there were found guilty, among others, two Englishmen; they were not the owners of the plantation, but one of them was the owner and the other was an overseer. Although the offence did not legally amount to murder, still it was of a very brutal character and might have helped to cause the death of the two unfortunate men. It was perfectly true that both sentences had been commuted; but one of the men, being convicted under a second indictment, subsequently underwent a period of four months' imprisonment. He could only say that he regretted the whole matter extremely, and took some blame to himself that he had not made use of stronger language in reference to it. In future the Government would take every precaution by legislation to prevent a miscarriage of justice in cases of the same nature, and with that view he had pressed upon the local Government for a new ordinance which should deal with such questions, and which would prevent injustice being done to the Coolies. Much consideration had been given to the matter, and communications had been held with the Indian Government and with his noble Friend the Secretary of State for India, and the result had been that, although it was impossible to sanction all the proposals which had been submitted, still, so nearly was the business now concluded, that he hoped they might soon see the ordinance

upon the subject. He trusted that a few days or a week would be sufficient for the purpose. He believed that he had fairly answered all the noble Lord's questions, and though they were questions which did not excite much interest in this country, yet they affected to a most important extent the condition of the Coolies. He felt, however, that do what the Government would in regard to legislation, there would always be some possibility of abuses springing up; but he hoped that by improved regulations those abuses would be reduced to a minimum.

THE EARL OF KIMBERLEY said, he had heard the fair and able defence which had been made by his noble Friend in reference to the Coolie traffic, and was glad he was able to agree so cordially with much of what had been said. As he had himself taken part in this matter, he was unwilling to let the subject pass without making any remark. There were, no doubt, two sides to this question, the bright side and the dark one, which had been presented to their Lordships in respect of this particular instance in the Straits Settlements; but it would be unfair, unjust, and impolitic—and, indeed, most disadvantageous to the planters and to the Coolies, if they should rush to the conclusion that because abuses had occurred that there was no hope of a better state of things. As regarded the Mauritius, he was not one of the six persons referred to who had mastered the Report. It was exceedingly bulky, and required much study, and that was his excuse for not being better acquainted with the contents of that Blue Book; but he would suggest that the power which existed in the West Indies of depriving plantations of Coolie labour in case the Government should not be satisfied with the treatment of the Coolies should be resorted to in other Colonies, and he contended that Coolie emigration to the Mauritius should be entirely stopped if the Government there did not do what Her Majesty's Government required to be done. He was glad to find that new regulations had been made for the Straits Settlements, for it was not safe that Coolies should be employed in large numbers on any estate without special regulations for their well-being.

LORD STANLEY OF ALDERLEY said, that he was entirely satisfied with the reply of the noble Earl the Secretary of State as to the Coolies flogged in Province Wellesley, and that their Lordships' time had not been wasted since that reply had been elicited. As to the savings of the Coolies in Guiana, that proved the faulty administration in Mauritius, and when the noble Earl said that the losses of intestate Coolies in Mauritius were the fault of the lawyers, he had forgotten that in this country there was a law for poor intestates to save them from inordinate legal expenses, and that quite recently their Lordships had passed a Bill of the same kind for intestate widows in Scotland. In answer to the noble Earl's denial that the statement of disasters and mutinies on board Chinese Coolie ships concerned England, and that such had never occurred in English ships, it was clear that the noble Earl had not read the Macao Blue Book, which was a Foreign Office Blue Book, since in the table there given out of 34 ships which had been set on fire, or on which the Coolies had mutinied, 14 were British, and 8 ships had sailed from the British port of Hong Kong. With regard to the Motion for Papers, as he had only set it down in order to secure for himself a reply, in consequence of the innovation in the practice of the House, by which the noble Duke (the Duke of Richmond) had recently prevented a noble Lord (Lord Carlingford) from replying as he had made no Motion, he would withdraw it with the leave of the House.

*Motion (by leave of the House) withdrawn.*

#### INDIA—OUDH AND KIRWEE PRIZE MONEY.

##### ADDRESS FOR RETURNS.

THE EARL OF LONGFORD, in moving for —

"Copies of Military letter from the India Office to the Government of India, dated 17th July 1873, No. 140., with its enclosures, in extenso, according to an order of the House of Lords, dated 10th July 1873:

\* Military letter from the same to the Secretary of State, February 1875, No. 36., upon

*—evidence re-  
—claimed  
—advised.*

In reply to the Order of their Lordships' House mentioned in his Motion, an imperfect Return had been sent from India after a lapse of 15 months, and it had been found necessary to return it to that country for correction. Great delay was thus incurred, and he begged to commend the matter to the attention of his noble Friend the Secretary of State for India, so that a speedy settlement of the claims in question might be secured.

THE MARQUESS OF SALISBURY said, he had no objection to produce all the Papers referred to, and that there had not been the slightest intention on the part of the India Office to prejudge the case of the troops. He admitted that the time the controversy in reference to the distribution of this prize money had taken was a perfect scandal; but the fact was the inquiry was a large one, and the amount of business at the India Office was so enormous that other matters had taken precedence, and hence the number of years that had elapsed without a settlement of the matter referred to by the noble Earl. He would do his best to bring the subject to a satisfactory conclusion.

*Address agreed to.*

#### EDUCATION ACT (1870)—CLAUSE 74.

##### QUESTION. OBSERVATIONS.

LORD STANLEY OF ALDERLEY, in rising to ask the Lord President, Whether Her Majesty's Government will amend the Education Act of 1870 by substituting the words "boys and unmarried women" for "children" in Clause 74, said, their Lordships were aware that the police of Manchester had, at the bidding of the Manchester School Board, been making raids upon all the children of school age that they could find in the streets, in order to bring them into the board schools and compel their attendance. Now, by the Common Law of England, as their Lordships were recently informed by Lord Coleridge, it was lawful for a woman of 12 years of age to marry. Under these circumstances, the following case might any day present itself:—A Manchester working man might select for himself a bride of 12 years of age, marry her, and take her to his home, when in consequence of



filed and vitiated the neighbourhood; but if inquiries had first been made the contrary would have been found to be the truth. The highest military authorities had said that the soldiers were not in the habit of frequenting the houses in the neighbourhood—that their conduct was good, and that they were always ready to assist the police in the execution of their duty. The police, too, reported even more favourably of their conduct. He hoped that those who were so anxious for the removal of these barracks would contrive so to discuss this question as not to find it necessary to have recourse to unjust, unfounded, and most unfair attacks upon the characters of the officers and men of what he believed to be the best conducted, best disciplined, most orderly and respectable body of troops not only in England, but in the whole world.

THE DUKE OF CAMBRIDGE: My Lords, I agree in what my noble Friend has just stated in regard to the character of the troops quartered at Knightsbridge Barracks. I do not believe that in any part of the world could there be found three regiments so well conducted, in every respect, as the three regiments of Her Majesty's Household Cavalry that have been so unjustly attacked. It is all very well, my Lords, for gentlemen to say that it is a great inconvenience to have the barracks in their neighbourhood; but, if they felt that, why on earth did they come to the barracks? The barracks have not come to them, but they have come to the barracks, and if they choose to come to the barracks they must put up with any inconvenience or annoyances which may result. But I maintain that the annoyances of which the memorialists complain have nothing on earth to do with the barracks. It is the licensing magistrates upon whom rests the responsibility of keeping the neighbourhood in question in an orderly way. They licence the public-houses and places of amusement of which the memorialists complain. I should myself like to see every public-house in the neighbourhood closed; not because I think that the troops frequent them, but because of the temptation which they offer to men. In point of fact, the men of the Household Cavalry are not allowed to go into those houses; and I repeat that for myself I should like to see every one

of them closed. There is no such thing in the neighbourhood of the Regent's Park Barracks; there is no such thing at Windsor; and if it exists at Knightsbridge the licensing magistrates are responsible for it. I do not blame the licensing magistrates for granting licences if they deem them to be necessary; but if there be complaints as to the character of the houses it is the business of the magistrates to cause them to be closed, or to be conducted in a proper and respectable manner. However, a much graver question arises as to the position of the barracks. We, no doubt, live in this country in peaceful and orderly times; and I hope that, with the blessing of God, they may long continue; but it would be unjustifiable if the military authorities shut their eyes to the fact of the possibility of something happening in a population so extensive in the Metropolis to cause disquiet. It is their bounden duty to look to it, though I hope the time will never come, but if it does, they could with this small nucleus of troops in the Parks—smaller, I believe, than any other country in the world could keep regularity and order in such an enormous community—preserve the peace of the Metropolis. The men ought to be placed, as in these barracks, in the heart of government—and Her Majesty's Palace, the Public Offices, and the Houses of Parliament are all in direct communication with the barracks. The late Duke of Wellington always said that it should never be forgotten that in this great City the Parks are the only military ground that we can occupy. I quite admit that some years since, when the Government of the day seemed disposed to entertain the idea of the removal of Knightsbridge Barracks, I said they might, if they liked, select Millbank as the new site; but I, at the same time, objected in the strongest manner to all removal. If Millbank be healthy now it certainly was not so some years ago. Indeed, it was so unhealthy that it was thought the convicts could not remain there; but though convicts could not live there, soldiers were to be stationed there. I say on principle it would be highly objectionable to remove the troops from Knightsbridge to any of the other places that have been pointed out. I hope this question may now be definitively settled, because I think that one

*The Earl of Normanton*

of the reasons why the matter is again being agitated is the uncertainty which has been allowed to prevail in reference to it. I hope that the Government will come to a determination in the matter, and will say that the barracks are not to be removed from Knightsbridge. They will not find any other place so well suited for the purpose. Knightsbridge is not only well situated, but it is, in point of fact, the best Cavalry barrack that we have—best for the health of the men and most convenient. When any emergency arises, Knightsbridge holds more troops than any other barrack. We have had a whole battalion of Infantry and additional Cavalry there, and yet the ground which is now stated to be too small for the ordinary number of troops contained them all. If it be determined that the barracks shall remain where they are, then I think that improvements should be made in them, which improvements have, from time to time, been put off because it was considered doubtful whether the troops would, in fact, remain there. Great improvements might be effected at but little expense. The removal of the forage barn would be a great improvement, and a respectable front might be put to the barracks at a very moderate cost. As far as the convenience of the public is concerned, it seems to be forgotten that there are two roads passing the barracks—one for omnibus, cab, and other heavy traffic, and another for carriage traffic on the Park side of the barrack buildings. I have, however, no objection to the approach being improved; but that might be done by pulling down the houses opposite, which I should be rejoiced to see removed. By pulling down the objectionable houses opposite we should widen the road, whilst, at the same time, we should leave the barracks in a position which is essential for the security of the Metropolis and the requirements of the service. As I have said, I hope that the barracks will remain where they are, but will be considerably improved. If we could pull down the houses as far as the passage east of the barracks, I should be glad to have the additional room; but, at the same time, I am content to remain upon the ground that we at present occupy. It is essential that it should be borne in mind by those who complain of the road being narrow in

consequence of the barracks being there, they might very fairly be told that the new houses have come to the barracks, and not the barracks to the houses.

EARL CADOGAN observed, that he had very little to add to what had been said on the subject, especially as he had not sufficient military knowledge to deal with the main question of strategical position. The matter had been warmly discussed, both in and out of Parliament. No doubt persons who were interested had a right to attempt to get these barracks removed; but then there was an equal right to protest against the means which they had adopted for the furtherance of their wishes. There need not be any surprise that owners of property in the neighbourhood should wish to improve that property, and that persons residing at Princes' Gate and other places should wish to have a broader approach and better access to their houses. It was, however, only fair to ask them to put their appeal upon this ground, and abstain from making entirely groundless charges against the troops in the barracks. With regard to the position of the War Office on this question, it was the opinion of the Secretary of State that the Department had nothing to do with the improvement in an architectural point of view of the part of London in which the barracks were situated: all that the War Office had to look to was to see that the barracks were good and useful in a military point of view, and that in a sanitary point of view they could show a pretty clean bill of health. The Question of the noble and gallant Earl referred to sanitary matters, and in reply he (Earl Cadogan) could say that these barracks were as healthy as any of the other barracks in which the Household troops were quartered in London. He had a report of the surgeon of the 2nd Life Guards, dated the 15th July, which said that there had been no fresh case of scarlet fever since the 14th June last, that there were only three non-commissioned officers and men who were suffering in addition to one woman and three children. Since the 10th of July no case of scarlet fever had been admitted to the hospital, and all the cases were now convalescent. He had another Return, made on Friday last, which said that there had been no further case of scarlet fever. He sent an Inspector to the barracks on Thursday



last in reference to the state of the building, and the report was that there were repairs and alterations wanted, yet, upon the whole, it was in a very healthy state. He had nothing to add to those reports, except to ask their Lordships whether, in the face of the state of things which they represented, Lord Alfred Churchill was justified in characterizing the barracks as "a foul fever den." The whole tone of the debate had pointed so completely in the direction indicated by the noble and gallant Earl who had originated it that it was unnecessary for him to say more upon the subject.

LORD HAMPTON wished merely to say that when he had the honour of being appointed to the War Office the first thing he had to do was to meet a large deputation appointed to wait upon the War Office and the Office of Works to urge the removal of these barracks. He gave the strongest answer to the contrary, founded on the two reasons which had been stated by the illustrious Duke (the Duke of Cambridge)—first, that the houses of the objectors were brought to the barracks and not the barracks to the houses; and, secondly, that, in face of the fact that the buildings were in a military and sanitary point of view admirably suited for the purpose to which they were put, the country would not be justified in spending the large sum necessary for their removal. We might not always be in the same state of tranquillity as now, and a day might come when the population of London would be glad to know that the barracks were in their present position.

VISCOUNT CARDWELL believed that this was the best possible site in the whole of London for barracks, and therefore that nothing could possibly be said against the place on that ground. On the other hand, he thought that the existence of the barracks there was prejudicial to property in the neighbourhood, and, upon the whole, that it would be a considerable metropolitan improvement if the barracks were removed. He had not a word to say against those most distinguished regiments which had been in the barracks. He could not imagine that anybody could say a single word against the Household Troops; nor that anything could be said against the military position of the barracks, because everybody knew that, in the

opinion of the great Duke of Wellington, it was a most excellent position. One thing, however, was clear, and that was that it was the duty of the Government to bring this question to a complete and final settlement one way or the other. So far as it was a question of metropolitan improvement it would, no doubt, be under the control of the Board of Works; but he hoped that it would not be made a shuttle-cock of, and bandied about from one Department to another without any settlement being come to. After a full consultation with all whom it was his duty to consult upon the occasion, he came to the conclusion that the barracks ought not to stand in the way of improvement, if improvement could be made; but he never said that the barracks should be removed upon military grounds.

COPYRIGHT OF DESIGNS BILL. [H.C.]  
A Bill to amend the Copyright of Designs Act—Was presented by The LORD CELLOR; read 1<sup>a</sup>. (No. 211.)

House adjourned at Eight o'clock,  
till To-morrow, a quarter  
before Five o'clock.

## HOUSE OF COMMONS.

Monday, 19th July, 1875.

MINUTES.]—PUBLIC BILLS—*First Reading*—Local Government Board's Provisional Orders Confirmation (Leyton, &c.) \* [261].  
*Referred to Select Committee*—Local Government Board's Provisional Orders Confirmation (Abingdon, Barnsley, &c.) \* [241].  
*Select Committee*—Registration of Trade Marks \* [242], nominated.  
*Committee*—Agricultural Holdings (England) (re-comm.) [222]—*H.P.*; Militia Laws Consolidation and Amendment (re-comm.) [202]—*H.P.*  
*Committee*—*Report*—Elementary Education Provisional Order Confirmation (London) (No. 2) [239]; Local Government Board's Poor Law Provisional Orders Confirmation (Oxford, &c.) \* [240].  
*Considered as amended*—Turnpike Acts Continuance, &c. \* [216]; Gas and Water Order Confirmation \* [228]; Washington Treaty (Claims Distribution) \* [218].  
*Third Reading*—County Courts \* [225]; Public Works Loan (Money) \* [243]; General Police and Improvement (Scotland) Provisional Order Confirmation \* [227]; Entail Amendment (Scotland) \* [249], and passed.  
*Withdrawn*—Sale of Coal, &c. (No. 2) \* [101].

Earl Cadogan



were deeply interested in the passing of some measure which would secure for them in some degree compensation for unexhausted improvements, and although this was an English Bill, the measure for Scotland, which had been issued within the last few days, was drawn on precisely the same lines as the English Bill, and from the manner the Scotch Business was conducted in the House, he apprehended this was the only opportunity he should have of discussing the principles of the measure. His object, then, in submitting the Motion was to make the Bill, so far as it went, a real measure of practical reform. The Bill which had been introduced by the Government professed to deal with and, indeed, to settle the whole question, by re-adjusting the relations between landlords and tenants in particulars wherein it was admitted they were not now satisfactory; but actually resolved itself into a piece of advice which he was afraid landlords and land agents would not think Parliament specially qualified to give. The Resolution he had the honour to submit he admitted dealt with only one portion of the question; but that however, was the most important part, and he proposed to deal with it in a manner that would gradually work out a practical solution of a very difficult problem. In discussing this subject it was of great importance to keep steadily in view the object they desired to attain, and the obstacles which stood in the way. He apprehended that they were all agreed on this point—that the ultimate object they had in view was to encourage the increase of the fertility of the land, by the passing of such measures as should have this effect. How far the fertility of the land might be increased might be matter of controversy; but, speaking from his own experience and observation generally, he thought it might be profitably increased at least 50 per cent. This, of course, would be open to dispute. But, taking England and Scotland together, the agricultural produce, he believed, might be increased 50 per cent, and that profitably to the landlords and farmers. What were the obstacles to that being done? The limited owner of an estate complained that if he spent money in the improvement of his land he would only reap part of the benefit, and the remaining half would descend to his

successor, whom he had not power to charge with part of the cost. He considered it a very simple act to remove this obstacle, and to give the limited owner the power to charge his estate with a fair share of such improvements as added to the letting value of the estate. Tenants said that increased fertility involved an increased investment of capital in the soil which could not be suddenly withdrawn, and as the opportunity to do so was uncertain, they would not make the investment because the money might be lost; and the professed intention of the Bill was to meet this objection by securing to a tenant compensation for such part of his farming capital as was left to benefit his successor. In framing the Bill, however, the Government had made a fundamental error in confounding together permanent and temporary improvements. A permanent improvement was such as might be said to last for ever, or for a very lengthened period, such as drainage. The proper measure of the value of such improvements was the amount of permanent increase which they added to the annual revenue of the land—that was to say, the increased letting value of the holding. Rightly speaking, these were improvements which should be done by the landlord's capital, but whether done with his capital or by a tenant entitled to compensation, a portion of the sum, in his (Mr. Barclay's) opinion, might fairly and properly be charged on the limited owner's successor. In dealing with this it had been assumed that valuers valuing improvements would take the rent of the land paid by the tenants and compare it with the rent the land would fetch in the market. The question for the valuers, however, was not the value of the land, but the increase in the value owing to the particular improvement. The compensation to the tenant who executed such improvements ought properly to be a lump sum, and the landlord recouped himself in an increased rent. Temporary improvements were altogether different. They lasted only for a limited period. If the tenant executed these temporary improvements, he also had the power, if he had the opportunity, of withdrawing the money so invested. These did not add permanently to the value of the land, and therefore could not properly be estimated

gard to the question of removal, he could only say that it seemed to him to be most unadvisable to separate the two Departments of the Commander-in-Chief and the Secretary of State for War from the same building. Already the greatest inconvenience was experienced from the dispersion of Departments in different parts of London, and the business of the Office would almost come to a standstill if that dispersion were to be carried further. Everything was being done to remove the evils that existed, but until he found a really good office to hold the whole Departments, he did not think all that was requisite could be done.

COLONEL GILPIN asked, Whether it was not a fact that one of the clerks had been attacked with fever during the last few days?

MR. GATHORNE HARDY said, he understood one of the clerks was ill from scarlet fever, but he was not aware that it arose from his attendance at the War Office.

#### INDIA—NEGOTIATIONS WITH BURMAH.—QUESTION.

SIR GEORGE CAMPBELL asked the Under Secretary of State for India, How it has happened that matters of such great delicacy as the negotiations for the passage of British soldiers through the dominions of the King of Burmah were immediately made public in India even before the negotiations were concluded?

LORD GEORGE HAMILTON: Sir, I am afraid I can give no information to my hon. Friend, having received none from India, as to how this statement appeared in the public Press. It is inconvenient and unusual that negotiations of a delicate character should be made public before they are concluded. The attention of the Indian Government has been directed to this matter, and as they are fully aware of the inconvenience which may arise from premature publicity they will doubtless take all steps within their power to prevent a recurrence of that to which my hon. Friend has called attention.

#### CHANNEL ISLANDS—THE JERSEY MILITIA.—QUESTION.

GENERAL SIR GEORGE BALFOUR asked the Secretary of State for War, To explain the present state of the Jersey

Militia in respect to the issues by Government of pay, clothing, stores, &c.; and, whether these issues have been discontinued, and from what date, in accordance with the assurances given when moving the Army Estimates?

MR. GATHORNE HARDY said, in reply, that the annual subsidy granted by Parliament for the Jersey Militia had been stopped since the past financial year, in consequence of the failure to comply with the requirements of the Secretary of State for the re-organization of the Militia. No stores had been issued for the Jersey Militia since three years ago.

#### CRIMINAL LAW—THE SPALDING MAGISTRATES—CASE OF SARAH CHANDLER.—QUESTION.

MR. R. POWER (for Major O'Gorman), asked the Secretary of State for the Home Department, Whether, with respect to the case of the girl Sarah Chandler, convicted before the Reverend Mr. Moore, the Reverend Mr. Dove, and Mr. Green, M.D., magistrates of the county of Lincoln, sitting at petty sessions at Spalding, in the above county, for plucking a flower from a geranium, and by them sentenced to fourteen days' imprisonment and four years in a reformatory, which sentence was reversed by the authority of the Home Secretary himself, he would recommend to the Lord Chancellor of England the dismissal from the Commission of the Peace of the magistrates named?

MR. ASSHETON CROSS: Sir, I have received a letter from the Rev. Mr. Moore, taking on himself the blame of the judgment in this particular case, and stating that he had persuaded his brother magistrates to take the course they did. I think it is right that this should be stated on behalf of the other magistrates, and also on behalf of Mr. Moore. I have already expressed to the House, and to the magistrates themselves, my sense of dissatisfaction at what has occurred, and I do not think, from the letter which I sent, the offence is likely to be repeated. The hon. Gentleman must know that the dismissal of magistrates rests entirely with the Lord Chancellor, not with me, and the Lord Chancellor certainly would not take any action without the fullest inquiry into the conduct of the magis-

*Mr. Gathorne Hardy*

trates. All I can say is I believe the gentleman in question has been in the Commission of the Peace for a great number of years, and, so far as I can trace, no complaint whatever has reached the Home Office on the subject.

#### THE IRISH LICENSING ACT.

##### QUESTION.

MR. R. POWER asked Mr. Solicitor General for Ireland, Whether, under the Irish Licensing Act, magistrates have the power of refusing a transfer of licence where the parties decline taking a six days' licence, the magistrates having no other grounds for refusal?

THE SOLICITOR GENERAL FOR IRELAND (Mr. PLUNKET): Sir, it is under the Act of 1872, as applied to Ireland, that the licensing justices in Ireland have power to make a licence, a six days' licence, on the application of the persons seeking it. That Act does not make "declining to take a six days' licence" a ground for a refusal by the justices to grant a licence or the transfer of a licence.

#### NAVY—ADMIRALTY DRAUGHTSMEN.

##### QUESTION.

MR. PULESTON asked the First Lord of the Admiralty, What are the regulations for the appointment of draughtsmen and others in the Department of the Controller of the Navy, and by whom the overseers of shipbuilding and acting draughtsmen are selected; and, whether the regulations have been recently altered, and, if so, in what particular, and when they came into force?

MR. HUNT: Sir, draughtsmen in the Controller's department of the Admiralty are now appointed by competitive examination open to all dockyard draughtsmen. Overseers of shipbuilding are selected by the Controller's department, subject to the Board's approval. The acting draughtsmen in the Controller's department of the Admiralty are selected by that department from among the dockyard draughtsmen, subject to the approval of the Board. The regulations for the appointment of draughtsmen in the Controller's department of the Admiralty have been recently altered. Prior to 1874 these draughtsmen were selected by the Controller's department from among the Dockyard draughtsmen, subject to the

approval of the Board and a qualifying examination only. They are now appointed by competition, as I have already explained.

#### THE ORDNANCE SURVEY.

##### QUESTION.

MR. KIRKMAN HODGSON asked the First Commissioner of Works, If he can state when the survey of the mineral district of the county of Gloucester will be commenced?

LORD HENRY LENNOX: Sir, the Survey is now being carried on in West Monmouthshire, and when that is completed will be extended to the Forest of Dean. Some parts of Gloucestershire have just been surveyed in connection with the Thames Valley Drainage Commissioners; but I fear I am unable to fix any time when the survey of the mineral districts of Gloucestershire will be completed. Indeed, owing to the limited amount of funds at my command, I fear I cannot promise it will be finished on an early day.

#### STATE AND PROGRESS OF PUBLIC BUSINESS.—GENERAL STATEMENT.

THE MARQUESS OF HARTINGTON: Sir, towards the end of last week an intimation was made from the Treasury Bench that it was probable that early in the present week the First Lord of the Treasury would make a statement as to the course of Public Business. Taking that fact into consideration, I trust the right hon. Gentleman will not think it premature on my part if I ask him, whether he is able now to make a statement as to the course of Public Business during the present week and, in fact, for the remainder of the Session? If he is able to do so, it will be a great convenience to many hon. Members of this House to have some information on the subject.

MR. DISRAELI: Sir, the intimation which, as the noble Lord apprehends, was made from the Treasury Bench, so far as I am concerned, is an entire misapprehension; no intimation came from me; and the noble Lord must have misunderstood a casual remark made by my hon. and learned Colleague the Attorney General when answering a Question in reference to a particular Bill. Of course, I feel it my duty to let the noble Lord and the House know the course which I



contemplate Public Business may take, and the course I desire it to take. I hope that we may go into Committee almost immediately upon the Agricultural Holdings Bill. The hon. Gentleman the Member for Forfarshire (Mr. J. W. Barclay) has given Notice of a Motion which would arrest the progress of the Bill. I am sure that under ordinary circumstances anything coming from the hon. Member for Forfarshire upon the subject to which his Notice of Motion refers would interest the House and would be listened to with great respect and attention. I regret the hon. Gentleman was absent, and I regret still more the cause of his absence, when this subject was formerly brought under the consideration of the House by a distinguished Member, the right hon. Gentleman the Member for Sandwich (Mr. Knatchbull-Hugessen), in an address of a comprehensive character, and the right hon. Gentleman declined to take the opinion of the House, which had indicated in a manner which could not be mistaken, from the general tone and tenour of the discussion, that the compulsory treatment of the question which I have to submit in detail to the consideration of the House to-night was not a course it would sanction. I trust, therefore, the hon. Member for Forfarshire will not press the Motion of which he has given Notice, and which will prevent our going into Committee, but that he will allow us to go into Committee at once. In that case I propose that we should continue the Committee upon the Agricultural Holdings Bill until it is concluded, with this exception, that, for the convenience of the House, I shall take to-morrow at 2 o'clock as the First Order of the Day the Report of the Conspiracy Bill. When we have concluded the Committee upon the Agricultural Holdings Bill I propose that we shall continue the Committee upon the Merchant Shipping Bill; and, of course, these two measures will take some time. The other two measures, which from their urgency as well as the nature of their subjects, may be regarded as of first-rate importance, are the Land Transfer Bill and the Judicature Bill. They are both considerably advanced, and I contemplate, of course, they will be passed. There certainly remain several, I may say many, Government measures; but they are not measures that have been mentioned in

the Queen's Speech, generally speaking, nor are they measures that, from the course of the Session, assume the importance of the other measures to which I have adverted. I am not at all disposed at the present period of the Session to announce that it is hopeless to proceed with them. Some of them came from the Lords, and, of course, that will facilitate their being carried; and I think it is premature to decide upon the fate of any of them now. I have known the end of a Session when, comparatively speaking, a considerable portion of our time was insufficiently occupied. It may be in this case, and it may yet be utilized. Some of these Bills, if not of urgent importance, promise to be measures of great utility and public benefit, and I yet hope that they may be passed. That is the general view I take of the course of Public Business. I should hope, under the circumstances, that the House will not deny me the whole of the Tuesdays, with the exception of next Tuesday, partly in consequence of the shortness of the Notice, and also on account of the respect we all have for the right hon. Gentleman the Member for the City of London (Mr. Hubbard) who wishes to bring forward a Motion on Local Taxation, which he has been prevented bringing forward on several occasions, and who has been promised an opportunity of bringing it forward. I trust that hon. Members will give us the following Tuesdays; and my opinion is, that with that assistance and the general assistance of the House we shall be able to wind up the Session at a reasonable period, and in a manner highly satisfactory to ourselves and the country.

THE MARQUESS OF HARTINGTON: Sir, as the right hon. Gentleman has just announced that it is the intention of the Government to ask that the remaining Tuesdays after next Tuesday shall be appropriated to the Business of the Government—a step which is not generally taken unless accompanied by a distinct declaration on the part of the Government as to the measures with which they really intend to proceed, a declaration not made on this occasion—the House will allow me to make one or two observations on the statement of the right hon. Gentleman, and, if necessary, I will conclude with a Motion. The right hon. Gentleman has stated that it is his intention to proceed with the Agri-

cultural Holdings Bill until the Committee has terminated, and one of the effects of the determination of the Government to endeavour to force through the House all the Bills with which the Paper is now encumbered is evident from the statement which has just been made by the right hon. Gentleman. He has appealed to the hon. Member for Forfarshire (Mr. J. W. Barclay) to forego his undoubted right of raising a discussion on this important measure on the Motion that the Speaker do leave the Chair in order to facilitate the progress of the Bill. It is true my right hon. Friend the Member for Sandwich (Mr. Knatchbull-Hugessen) declined to take the sense of the House on the question of compulsion; but I submit that the question which is raised by the hon. Member for Forfarshire is one which is not at all confined to the question of compulsion, and I am not at all able to see that the hon. Member is not perfectly within his right in raising the question which he proposes to raise. There is also a Notice of Motion by an hon. Member sitting behind the right hon. Gentleman, the hon. Member for West Worcestershire (Mr. Knight), and I cannot think it is convenient or advantageous to our deliberations, on account of the lateness of the period at which important measures such as these are introduced into the House, that any due and legitimate opportunities of discussion should be denied to hon. Members. The right hon. Gentleman has refused to inform us that he intends to sacrifice any of these measures. Of course, I am perfectly aware it is our duty to continue our labours here as long as may be necessary for the public service; but I do think, on the other hand, hon. Members have some right to claim that full information shall be given them in order that they may make those arrangements which they are in the habit of making at this time of the year. I cannot help thinking that in refusing all information as to the probable course of Public Business the right hon. Gentleman is, on this occasion, treating the House with somewhat less than his usual courtesy. The right hon. Gentleman must be remarkably sanguine if he supposes that the Agricultural Holdings Bill will occupy less than a week of the time of the House in passing through its various stages, and from the progress which the

Merchant Shipping Bill has already made, it would not be very unreasonable to assume that it may occupy another week. There are, then, two weeks to be occupied with two Bills, and that will take us well into August. The right hon. Gentleman has also referred to the Land Transfer Bill and the Judicature Bill; they will take a considerable time; and perhaps the House will allow me to state what are some of the other measures of considerable importance which still remain on the Paper. There is the Bill relating to the Pollution of Rivers and the Savings Banks Bill; the first has made no progress at all in this House; and the Savings Banks Bill has still two important stages to go through. Then there are the Indian Legislation Bill, the Local Authorities Loans Bill, the Militia Consolidation Bill, the Bill relating to the Salaries of National School Teachers in Ireland, the Patents for Inventions Bill, the two Bills relating to the Public Works Loan Acts, and the Sheriffs' Courts (Scotland) Bill. A fortnight may be taken up by the two measures to which the right hon. Gentleman has referred, and then there are all the measures I have named to be got through before we separate, besides Supply and the Statement upon the Indian Budget, which the noble Lord who represents the India Office in this House trusted would this Session be brought forward at an earlier period than usual. It is, therefore, perfectly evident that unless the House is to sit until the end of August, or even well into September, it will be impossible that the whole of this Business, or anything like it, can be got through. If the right hon. Gentleman asks hon. Members to make this sacrifice, it is only due to the House that he should inform us what Bills are to be proceeded with and what given up, so that we may make our arrangements accordingly. I move, Sir, that the House do now adjourn.

Motion made, and Question proposed,  
 "That this House do now adjourn."—  
 (*The Marquess of Hartington.*)

Mr. HAYTER wished to know what course the Government intended to pursue in regard to the Militia Laws Consolidation and Amendment Bill, which had made some progress in Committee?



Did the right hon. Gentleman propose to press it this Session?

MR. GATHORNE HARDY said, he hoped that further progress would be made with the Bill that night. It was his intention to pass it that Session, and it would be very easy to do so, if the hon. Gentleman would give him his assistance.

MR. DILLWYN thought that the course pursued by the Government was eminently unsatisfactory, because it would only lead to hurry-scurry legislation at the fag-end of the Session. He expected, after what had been said by the Attorney General, that a more definite statement would have been given of the intentions of the Government with regard to the Patents for Inventions Bill.

MR. NEWDEGATE had pointed out on a former occasion that the Public Business was falling into confusion, and this was now admitted. As the Government would not inform the House as to their intentions, the noble Marquess opposite was only doing his duty in calling attention to the subject. As to the great body of the House, it would take care of itself and its own Business.

MR. GOLDSMID said, there were 28 Government Bills on the Paper for that evening, more than half of which had not got into Committee, and some of which had not even passed the second reading. He complained that the Government were in the habit of putting down on the Paper night after night measures, all of which could not possibly be taken; and it was most inconvenient at this period of the Session for hon. Members who took an interest in some one of the Bills to be compelled to stay till a very late hour night after night when they knew it was perfectly certain all the Bills on the Paper could not come on, because the Government would not inform the House with which measures it was they proposed to go on. It was usual at that period of the Session to tell hon. Members what Bills would not be brought on, and what would be proceeded with. As the right hon. Gentleman had declined to give that information, hon. Members who had Bills of their own might be expected to raise considerable opposition to any proposal to proceed late at night with many of the Government Orders now on the Paper.

MR. WHALLEY said, he was happy to have had an opportunity afforded him

by the Motion before the House of making a personal explanation with regard to a Resolution which he had placed on the Paper, but for which he could not obtain adequate support even to the extent of a seconder. He should be wanting in respect to the House, having brought the subject before them on two separate occasions, if he did not state that he had every reason to believe it would be seconded. The right hon. Gentleman at the head of the Government had demanded from him a circumstance to show the importance of inquiring about the Jesuits. He thought no better circumstance could be adduced than the fact that such was the pressure of the Jesuits even within the House that, although in both cases he had been promised support, on neither occasion was any afforded him. ["Name!"] He declined to give any name; but the circumstance was an important one, and he contended that the duty devolved upon the Government, in the interests of the country, to put the Act relating to this society into force. There was a strong feeling throughout the country—and all the wisdom and patriotism of the country was not confined within the walls of Parliament—that this was a circumstance which at least 500,000 people by memorial had called upon the Government to—"Order!"]

MR. SPEAKER: Under cover of a Motion for the Adjournment of the House the hon. Member is attempting to discuss a matter which is not regularly before the House.

MR. WHALLEY said, as that was the ruling of the Speaker, and it had become quite an instinct with him to submit to the right hon. Gentleman, he would only say that in withdrawing his Motion he reserved to himself the right of taking what action in the matter he thought proper as an independent Member, and he hoped that both the Speaker and the House would afford him that most favourable consideration.

MR. DISRAELI: I cannot help thinking that the noble Lord opposite the Marquess of Hartington, has been a little unjust towards me in his later observations. The noble Lord asked me to tell the House what would probably be the Business of the present week and the next week, and, according to the ruling of the Speaker, he admits that I am not



completely provided for the Business of the next fortnight. It is impossible for me, as the noble Lord has given no Notice, to afford the information he desires. I do not suppose, or pretend for a moment, that in the probable time during which the Session will last I can pass all or many of these Bills. But the point of importance is what are those measures which are most expedient for the public service, and it is impossible for me to pledge myself to the House on this matter without great thought and without observing the course of Public Business. At no time has it been considered strange or irregular that no declaration should be made as to the Bills which the Government insist upon passing into law at so late a period as the present. On the contrary, this is about the time at which these reports are generally made, and at the beginning of next week I may probably be in a position to make a statement to the House as to the course of Public Business. I must protest, however, against this system of giving up in a harum-scarum manner a number of Bills in favour of others, when, perhaps, in a fortnight's time the House would be of opinion that I ought to have taken the opposite course and proceeded with the Bills we gave up, giving up the Bills we proposed to proceed with. I must say, therefore, that as at present advised I do not feel I am justified in making any other statement to the House than the distinct one I have made as to the resolution of the Government to proceed with the two very important Bills before us, and which, I believe, greatly interest the House and the country. As the Session advances, probably early next week, I may be able to say what Bills we can safely adjourn the consideration of till another Session. Well, Sir, the hon. Gentleman the Member for Swansea (Mr. Dillwyn) sees danger in this course. He apprehends that, at the close of the Session, some Bill may be slipped through the House. Now, Sir, as long as a hon. Member sits in this House I do not think there is the slightest danger of the House apprehending danger from any hon. Member is wholly in the im- but in those therefore, tion only a, again, a.]

the hon. Member for Rochester (Mr. Goldsmid) complained very much of the position in which Members were placed from the fact that a number of Bills were put down upon the Paper, and which, he said, forced them to come down to the House, at great inconvenience, late at night, although it was morally impossible for the Bills to come on. Well, that is no great grievance, for if the hon. Gentleman thinks it absolutely impossible the measures can be brought forward, I think he might sacrifice his senatorial to those social duties which I have no doubt have so great a charm for him. Then with respect to the attack made upon me by the hon. Member for Peterborough (Mr. Whalley)—and which is not the first—upon the subject of the Jesuits, I do not know how to defend myself; but I may say I was reading the other day a book in which it was stated that one of the most dangerous of the devices adopted by that malignant society was to engage some of their lay brethren to go about in disguise abusing the Order. It is a great advantage to the House to have among us one whose sincerity cannot be doubted, to remind us that there are dangers abroad against which we must guard ourselves. Sir, I trust that the House will now allow this debate to close, and that we may proceed with the Committee on the Agricultural Holdings Bill. I assure the House I am as anxious as I can possibly be to have the Business of the Session wound up to the satisfaction of the House and in a manner to meet the convenience of every individual Member. But the responsibility is great, and I trust, therefore, they will not press too much upon me, but allow me to state at the earliest moment I can the course we propose to adopt.

MR. W. E. FORSTER said, he had been requested by his noble Friend, who having spoken once could not again address the House, to state that when the right hon. Gentleman made his Motion in reference to the remaining Tuesdays of the Session, with the exception of tomorrow, his noble Friend would repeat his Question as to the state of Public Business. The right hon. Gentleman, with that good-humoured *badinage* of which he was a master, had managed to tell the House nothing that they wanted to know. They had all come down in the expectation—which, to

judge by the organs of public opinion, also prevailed outside the House—that they should hear from the right hon. Gentleman what measures he proposed to proceed with and what to drop. It was impossible for the right hon. Gentleman to treat the House with any want of courtesy, he was so good-humoured; but he certainly had left them in a very inconvenient position. That it was usual about this time of the year to make such a statement the right hon. Gentleman admitted the other evening, and gave the dates of such statements in former Sessions, and he did not know that the last date mentioned by the right hon. Gentleman was not earlier than the date at which they had now arrived. It was scarcely fair to the House to leave them in doubt and uncertainty as to the Business that was still to be proceeded with, and he trusted that the information would be given in the course of a few days.

MR. BUTT wished to guard himself against the supposition that he acquiesced in the demand made by the Government to appropriate the remaining Tuesdays of the Session. He, for one, was opposed to such a proceeding.

MR. BENTINCK said, that nothing could be much more inconvenient than the present state of Public Business; and expressed his regret that the Government had intimated their intention of proceeding with the Merchant Shipping Bill, as he had no hesitation in saying that that measure did not deal with one of the questions it sought to deal with. ["Order, order!"]

MR. SPEAKER: Any discussion on the merits of the Bill is quite out of Order.

MR. BENTINCK believed there was hardly any record of the Navy Estimates having been deferred to so late a period. He protested against the time of private Members being occupied by Government measures, especially during a Session when there was a great pressure of legislation, and he hoped the hon. Member for Forfarshire would not withdraw the Motion of which he had given Notice.

THE MARQUESS OF HARTINGTON: In withdrawing the Motion, Sir, I only wish to explain that I had no intention of acting with discourtesy towards the right hon. Gentleman in not giving him Notice of the Question I put to him. I

put it in consequence of the statement made by the hon. and learned Attorney General the other night, and as I took for granted with authority, that early this week a statement as to the Public Business would be made by the right hon. Gentleman at the head of the Government. Before I sit down I would ask the Chancellor of the Exchequer to inform the House when it is the intention of the Government to proceed again with Supply? As the Business is arranged for the next fortnight, it may be desirable to know what night will be devoted to that purpose.

THE CHANCELLOR OF THE EXCHEQUER: I am not able at the present moment to answer the Question. I shall do so at the earliest possible moment.

MR. DILLWYN gave Notice that tomorrow he would ask the Attorney General whether he intended to proceed with the Patent Laws Amendment Bill during the present Session.

Motion, by leave, *withdrawn*.

#### AGRICULTURAL HOLDINGS (ENGLAND)

(*re-committed*) BILL. [*Lords*.]

(*Mr. Disraeli*.)

[BILL 222.] COMMITTEE.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. J. W. BARCLAY, in rising to move—

"That, instead of attempting to deal with all classes of agricultural improvements by optional provisions, as in the present Bill, it would be more satisfactory to the country to defer dealing with permanent improvements, and to provide at present that compensation for temporary improvements be imperative in all cases,"

said, he wished to express his grateful acknowledgments to the Prime Minister for his kind and gracious remarks, and would not interpose were it not that he had an important duty to his constituents in regard to the subject of the Bill. The Resolution which he had to submit would raise various questions, which were dealt with in several Amendments, and it might save time in Committee if these questions were now comprehensively dealt with. The terms of the Resolution were not conceived in any spirit of hostility to the Bill. Indeed, many of his constituents

*Mr. W. E. Forster*

were deeply interested in the passing of some measure which would secure for them in some degree compensation for unexhausted improvements, and although this was an English Bill, the measure for Scotland, which had been issued within the last few days, was drawn on precisely the same lines as the English Bill, and from the manner the Scotch Business was conducted in the House, he apprehended this was the only opportunity he should have of discussing the principles of the measure. His object, then, in submitting the Motion was to make the Bill, so far as it went, a real measure of practical reform. The Bill which had been introduced by the Government professed to deal with and, indeed, to settle the whole question, by re-adjusting the relations between landlords and tenants in particulars wherein it was admitted they were not now satisfactory; but actually resolved itself into a piece of advice which he was afraid landlords and land agents would not think Parliament specially qualified to give. The Resolution he had the honour to submit he admitted dealt with only one portion of the question; but that however, was the most important part, and he proposed to deal with it in a manner that would gradually work out a practical solution of a very difficult problem. In discussing this subject it was of great importance to keep steadily in view the object they desired to attain, and the obstacles which stood in the way. He apprehended that they were all agreed on this point—that the ultimate object they had in view was to encourage the increase of the fertility of the land, by the passing of such measures as should have this effect. How far the fertility of the land might be increased might be matter of controversy; but, speaking from his own experience and observation generally, he thought it might be profitably increased at least 50 per cent. This, of course, would be open to dispute. But, taking England and Scotland together, the agricultural produce, he believed, might be increased 50 per cent, and that profitably to the landlords and farmers. What were the obstacles to that being done? The limited owner of an estate complained that if he spent money in the improvement of his land he would only reap part of the benefit, and the remaining half would descend to his

successor, whom he had not power to charge with part of the cost. He considered it a very simple act to remove this obstacle, and to give the limited owner the power to charge his estate with a fair share of such improvements as added to the letting value of the estate. Tenants said that increased fertility involved an increased investment of capital in the soil which could not be suddenly withdrawn, and as the opportunity to do so was uncertain, they would not make the investment because the money might be lost; and the professed intention of the Bill was to meet this objection by securing to a tenant compensation for such part of his farming capital as was left to benefit his successor. In framing the Bill, however, the Government had made a fundamental error in confounding together permanent and temporary improvements. A permanent improvement was such as might be said to last for ever, or for a very lengthened period, such as drainage. The proper measure of the value of such improvements was the amount of permanent increase which they added to the annual revenue of the land—that was to say, the increased letting value of the holding. Rightly speaking, these were improvements which should be done by the landlord's capital, but whether done with his capital or by a tenant entitled to compensation, a portion of the sum, in his (Mr. Barclay's) opinion, might fairly and properly be charged on the limited owner's successor. In dealing with this it had been assumed that valuers valuing improvements would take the rent of the land paid by the tenants and compare it with the rent the land would fetch in the market. The question for the valuers, however, was not the value of the land, but the increase in the value owing to the particular improvement. The compensation to the tenant who executed such improvements ought properly to be a lump sum, and the landlord recouped himself in an increased rent. Temporary improvements were altogether different. They lasted only for a limited period. If the tenant executed these temporary improvements, he also had the power, if he had the opportunity, of withdrawing the money so invested. These did not add permanently to the value of the land, and therefore could not properly be estimated



by any addition to the letting value. Arbitrators in valuing temporary improvements would consider whether they were really judicious and valuable improvements, and if so, they would then estimate the cost of doing the improvements, how much the tenant had been repaid, and the balance would be the value left to the tenant's successor. Either permanent improvements ought to be executed with the landlord's capital, or, if executed by the tenant, compensated for in a lump sum and charged on the farm, so far as any portion of it went to the owner's successor. Temporary improvements, as part of the capital employed in farming, the outgoing tenant had, in one view, properly no claim for on the landlord, but on the incoming tenant, for whose benefit part of the farming capital had been left. It was admitted by all that Parliament could not directly enforce either class of improvements, but Parliament could indirectly enforce permanent improvements by giving to tenants authority to execute such, and empowering them to claim compensation from the landlord. Parliament, however, was evidently not disposed to grant this authority, and certainly the Bill did not, for although it was quite true it professed to give a scale of compensation for permanent improvements, he did not think it worth while to occupy the time of the House discussing this scale and the proposals to which it referred, for he did not believe it would ever be adopted in practice if the Bill passed. The provisions relating to permanent improvements were now regulated by the 9th clause of the Bill, which stipulated that the landlord must give his consent to the improvements before he could be liable to any claim for compensation. What would be the practical working of that provision? A tenant might suggest to his landlord, or more likely to the agent, a permanent improvement. The first reply received would be—"Well, I shall submit your proposal to the landlord; but tell me what you intend to do, and at the same time how you expect to be compensated." If the landlord agreed to the execution of the improvement it would be on the terms of the proposal, and the improvements would not come within the provisions of the Bill. A great deal had been made of the argument that the opinion of Parliament on this question would

exercise a considerable influence on landlords. But he hoped he would not be thought guilty of any disrespect to Parliament when he expressed very great doubt upon this point, and indeed so far as they had gone they had had but little encouragement afforded them to entertain that expectation. He had read a great many speeches of hon. Members of Parliament in that House, and of hon. Members out-of-doors who supported the Bill, but no one, not even the noble Duke who had introduced the measure had said that he would adopt its provisions in regard to permanent improvements. If no hon. Member would rise and say that he would adopt the provisions of the Bill which related to permanent improvements, what right had they for expecting that landlords generally would pay greater respect to the opinions of Parliament? But let the House consider what would be the effect of a Bill of this permissive nature in other directions. Last year Her Majesty's Government passed through the House a Factory Act limiting the hours of labour for women and children; but of what value would it have been if it had been of non-effect in cases where special bargains were made between the employers and the employed? He could easily imagine the derision and scorn with which such a proposal would have been met. Had they any right to expect that landlords would be more powerfully influenced by the opinion of Parliament than manufacturers? While he did not now ask Parliament to give the tenant power to execute these improvements, he thought Parliament should give more complete powers to limited owners to charge their estates for such improvements as went to benefit their successor. He believed there would be no difficulty in doing that. He would propose, as regarded temporary improvements, to apply to tenants and their successors the same principle as he would to limited owners and their successors with respect to the permanent improvements, and would ask the House to lay down and enforce the principle that in cases where the outgoing tenant left a part of his farming capital for the benefit of his successor, that successor should be in equity made to pay for the part of the capital left in the soil for his benefit. Landlords would not necessarily be called upon to pay

any portion of the compensation, for matters might be arranged so that the incoming tenant relieved the landlord of liability altogether. The incoming tenant would be quite prepared to pay not only compensation, but an additional rent for having the farm in good condition, because if the outgoing farmer left a portion of his farming capital in the land his successor would be benefited, while if he did not leave it the successor would have to invest in the farm a like sum before he could get a return, and probably it would require two or three years to do so productively. He would briefly indicate the provisions which seemed to him to be necessary to carry into effect such a principle. The Prime Minister in the early part of the year, in reply to a deputation on this subject, indicated that in drawing up the Bill they would do well to be guided by the experience of Lincolnshire. In all its details, however, the Lincolnshire custom was not applicable to all parts of the country, but what he (Mr. Barclay) desired to see was a corresponding custom established all over the country. Assuming that they had enforced the principle that the incoming tenant should compensate the outgoing tenant for such part of his capital as he had left in the soil for the benefit of his successor, Parliament, then, instead of going into details, might lay down a maximum period beyond which no compensation should be claimed; secondly, matters in respect of which compensation might be claimed; and, thirdly, the maximum amount of compensation might be limited. If the measure embodied these principles, they might leave it to local valuers and men of experience throughout the country to settle the details and the amount of compensation. The details of the Lincolnshire tenant-right custom had grown out of the experience of practical men; and, following the same principle, they would in time have established in each district a tenant-right custom adapted to the circumstances of that particular neighbourhood, and settled by men of local experience. The scale laid down in the Bill was altogether too rigid, and the provisions in regard to temporary improvements had evidently been framed by the drawers of the Bill without consultation with any practical farmer. Had the Bill, before being printed, been shown to any experienced

agriculturist, the discrepancies in the scale would have been so apparent that it would not have been presented in its present form. He did not wish to enter fully into details which might be better discussed in Committee, but to justify his remark would refer to the provisions for compensation for lime. The duration of lime and the beneficial effects of it varied very considerably, according to the soil. Practical farmers would tell them that on certain soils the beneficial effects of lime were not found till two or three years after it had been put in, and he knew that that was the case in some lands in Scotland. Now, by this Bill the benefit of lime was supposed to be exhausted in seven years, in seven equal annual proportions. Then, as to manures. A tenant might, in the month of March or April, apply 30s. worth of nitrate of soda to his hay crop; he might reap that crop in June and leave his farm in October, and yet, according to the Bill, would be entitled to claim the full 30s. in compensation, although the beneficial effects of nitrate of soda were generally almost exhausted by the first crop. Then, in regard to the question of boning, without entering into the scientific aspect of the matter, he might say that the value of bones did not depend on whether they were dissolved or undissolved, but on the quantity of phosphate applied. Assuming that a farmer boned his land with 3 cwt. of undissolved bones, and that his succeeding crops exhausted 1 cwt. of phosphate of lime each year, the beneficial effects would have been expended by the end of three years. Yet the Bill went on the assumption that something would still be left at the end of six years. He would not detain the House further with these details. He thought the real and sound thing to do would be to state definitely the matters in respect of which compensation might be claimed, the maximum period for which the claims might be made, and their maximum amount, leaving it to local arbitrators of experience to fix what should be the actual compensation in each case, having regard to the soil and mode of farming in the district. The details would then, in course of time, be settled by lengthened experience, as was now done in the case of the Lincolnshire tenant custom. He must, however, call special attention to the deterioration

clause, and to the claims landlords were to be allowed to make on the tenant in regard to what was called waste under Clause 14—a clause which seemed to him so one-sided and unjust that he was surprised it should have come down from the other House. In regard to the claims which tenants were to be allowed to make, the landlord was protected and closely fenced about by conditions as to what the claims might be made for, their maximum amount, and how they were to be valued; but in regard to the claims the landlord might make, the tenant was protected by no limit or conditions. A tenant quitting his holding would have no idea as to what claims he might be liable for from his landlord in regard to waste. The next clause was still more objectionable, because it permitted landlords to claim compensation in respect of breach of covenant or other agreement connected with a contract of tenancy. Those acquainted with the management of land knew that in almost every case the tenant had to submit to a great number of stipulations and conditions of lease, some of them almost absurd, many impracticable, and some impossible; and the only excuse landlords could offer for making those stipulations was that they were never enforced. Under the Bill, however, the landlord had the option of going back through the whole period of the tenant's occupation and claiming for damages, waste, and breaches of agreement during that occupation. If the Bill was allowed to remain in that condition, he should recommend the tenant farmer to contract himself out of its provisions, because otherwise, when he came to leave his holding, he would be liable to claims from the landlord of the extent of which he could have no idea. Furthermore, the Bill contained provisions which seemed calculated to encourage the landlords to make those claims. Clause 15, after providing that a tenant should give notice of his claims for compensation, went on to say that where the tenant gave such a notice the landlord might, prior to the determination of the tenancy, give a counter-notice. Certainly, that was inviting landlords of a certain class to make claims. It seemed to indicate how the purpose of the Bill might be defeated, by pointing out that if the tenant sent in a claim for compensation landlords might get up a counter claim.

*Mr. J. W. Barclay*

If a landlord was entitled to compensation at all, his right to claim ought not to depend on whether or not the tenant made a claim, as the Bill seemed to provide. It would, doubtless, be said that his proposal, if carried, would be fatal to the further progress of the Bill; but if the Government really wished to pass a measure serviceable to the tenant farmer, it would be easy enough to re-model the Bill in Committee in the manner he had suggested. It could be done by withdrawing clauses, rather than by adding them. He hoped it would not be pleaded that the success of his Amendment would necessitate the withdrawal of the Bill. His proposal would in no way interfere with the rights of property. It would not affect the rights of landlords; and if it affected their property to any degree, it would do so only to benefit it. He appealed to those who knew the Lincolnshire tenant-right custom to say whether it had not added largely to the rents and value of estates in that county. Indeed, he thought the Bill, without any reference to landlords at all, might simply provide that the outgoing tenant should be entitled to compensation from the incoming tenant for what he left behind him of benefit to such incoming tenant. There would be no interference with contract. On the contrary, Parliament would only be establishing an equitable arrangement between the outgoing and incoming tenant—parties who could not have an opportunity of making any contract together. A farmer, when making an improvement, had no idea who his successor was to be; and, indeed, had very often no idea that he himself was going to quit. He (Mr. Barclay) only asked in reference to temporary improvements that Parliament should step in and lay down the basis of an equitable arrangement between outgoing and incoming tenants in a matter as to which they had no opportunity of dealing themselves. That would be simply to develop a system which already obtained to a considerable extent, because there was hardly ever a change of tenancy in which the incoming tenant did not take over from the outgoing tenant a considerable amount of plant and farming property either by valuation or agreement. All he proposed was that that system should be carried out to a greater extent than, except in Lincolnshire and one or two other places,



it was at present. It might be urged as an objection to his proposal that it did not settle the question. Well, he must confess that, in his opinion, the question would not be finally settled until all parties having an interest in it were directly represented in that House. He did not think any hon. Member would deny that the agricultural labourer was very deeply interested in these questions. He was aware of the unhappy state of matters at present between farmers and labourers, but that would not continue. The farmers had been successful in putting an end to the strikes; but the labourers were taking a more effective course by withdrawing themselves from the poorly paid districts to places where wages were higher, and to foreign lands. That must by-and-by have its effect, and unless farmers were prepared to do without labourers at all they must come to terms, partly perhaps by increasing the wages, but a good deal more he thought could be done by the improvement of house accommodation, and also by granting the labourers allotments, which would give them a greater interest in, and a much stronger tie to, the soil than at present. But the farmer could not grant those advantages to the agricultural labourer without having greater facilities secured to himself. Speaking from his own limited experience, he believed those increased facilities would not be granted to the farmers, until they were extorted by the joint pressure of the farmers and the agricultural labourers in that House. The Bill now before them was far from settling matters; indeed, it would leave the whole question in a more awkward position than it was at present. He had no hesitation in saying that the utter futility of the Bill would be fully discovered before the next General Election; but it would, at all events, give the tenant farmers this advantage, that they would be able to put to candidates the categorical question—"Will you make the Agricultural Holdings Act of 1875 compulsory?" That was a question which he was sure hon. Members would have to face at the next Election. If the Bill passed in its present form, it would unsettle the existing relations between landlord and tenant without doing anything to establish a better system. Instead of giving security and confidence to farmers, it would create, and indeed was already creating,

alarm, distrust, and insecurity. The measure would serve as an excuse for certain landlords to re-value their farms, and increase the rents on the plea that the Bill might otherwise be used against them. The Resolution he had now to submit to the House would tend to a solution of at least one branch of the question, and in a manner which would be admitted, by hon. Members who looked at the matter impartially, to be at once practical and safe. If his proposal was embodied in the Bill it would do a great deal to satisfy farmers, and was perhaps as much as could be expected from a Government dealing for the first time with a very great and intricate question. In conclusion, the hon. Member thanked the House for having so patiently listened to him, and moved the Resolution of which he had given Notice.

MR. PEASE: In seconding the Amendment of the hon. Member for Forfarshire (Mr. J. W. Barclay), I beg the House will not think I desire to postpone so much the Committee as to address myself to this important measure. It seems to me we are starting upon the details of a measure, the importance of which cannot be over-estimated—both in its immediate effect upon both landlord and tenant, and still more in its immediate effect on future legislation on this subject—and this I deem the most serious point for consideration. Indeed, Sir, when we look upon the enormous interests involved, I may say that no Bill of equal importance has claimed the attention of this Parliament. The Returns show that there are 23,000,000 acres of land in grass or under cultivation in England. This is valued at £1,000,000,000, and the value of the tenant's capital is estimated at £230,000,000. With this large interest you are about to deal. And, Sir, if there is no other reason for a discussion on this Bill, it would be that the face of the measure is altered very materially, in accordance with the intimation made to the House by the Prime Minister on the second reading of the Bill—an intimation which took the House so much by surprise. I am one who has for long advocated legislation in this direction, and I still do so, notwithstanding the many difficulties which surround everyone who approaches this question. But, Sir, whilst I have advocated legislation,

I have always admitted that which the House will generally admit—that, as a rule, the understanding between landlord and tenant in this country is excellent and cordial. The legal tenure, we all know, is a short one—the practical and actual tenure a long one, we all know; it is one which exists from generation to generation, an evidence at once of the excellent character of the relationship, and that legislation is only required for exceptional cases. It is evident, therefore, that the enormous powers vested in the English landlord are not generally abused, and that a short tenure is the favourite tenure nearly everyone will admit. With an opinion so general, and a state of things so satisfactory, we ought, in my humble opinion, to be most careful how we break up existing relations; and if we do so, we must be sure that we are laying the foundation-stone at least for building up a better state of things than that which we, in any degree, destroy or even jeopardize. The main reasons for dealing with the question of tenant-right were well stated by the right hon. Gentleman in moving the second reading of the Bill. He said, putting the proposition negatively, it is to be deprecated that there should be no security for capital. He put the proposition positively, and said the tenant should be secured compensation for his unexhausted improvements. To that proposition I would add a second—that the landlord's right in his property should be interfered with as little as possible. We all agree to interfere in some degree. It is only a question of in what degree; and, as a question of degree, I propose to argue it. But by far the most important aspect is a view on which little stress has been laid—that it is to the interest of the Commonwealth that the land should produce as much as possible. I would also add, up to a certain mark—that any law which secures to the tenant his unexhausted improvements will be a benefit to the landlord; as such a condition, carefully laid down, would add to the value of a farm for purposes of rent. Therefore, any Act of Parliament on this subject should increase the tenant's security in his holding, should add to the value of the land to the landlord; and should add to value of the products of the land to the Commonwealth. Now, Sir, I have come

to the conclusion that this Bill, if passed into law, will not come up to this standard. It certainly gives no security to the tenant for his capital; it certainly detracts rather than adds value to the landlord's property; and, as it gives no statutory security—or an infinitesimal one—to the tenant for the outlay of capital, so it gives no guarantee to the Commonwealth that it will increase the production of the soil. The obvious effect of the Bill will be, though it disturbs all the existing relations between landlord and tenant—which we all agree, in the majority of cases, are working well—it yet raises nothing in their place but weak and ill-conceived permissive regulation. If it gives, it gives so grudgingly as to take away all benefit in the gift. It plays so weak a game it must lose. To use the words of a tenant farmer, who writes me on the subject—

“The present concoction of absurdities cannot please either landlord, tenant, or the public—each and all must feel that it is all bosh. It is worse than milk and water, as that will alter thirst; but this Richmond mixture will only add heat to the tongue.”

The right hon. Gentleman the First Lord of the Admiralty told us this Bill came from the Lords, and that they thoroughly understood all questions of land. I think we shall all agree that the Bill bears on its face its paternity, and all the alterations made by their Lordships were not in accordance with the apparent desires of the Government, but to narrow the action of an already most impracticable measure. There is no impress of the tenant farmer upon it. Now, Sir, let us look at the Bill, which we are invited to go into Committee either to pass or to amend—to pass in its present form, or to amend according to Notices on the Paper. The first part of the Bill is the first class of Clause 3. Why is this class put into the Bill at all? At present all the powers conferred exist. Landlords and tenants can do all that this clause gives them power to do, and far more. The whole effect of valuing things, which a landlord and tenant may do, is to define what they are expected to do. The whole effect of this is detrimental to the tenant farmer, and I object to it. To schedule a list of improvements, and then say that the tenant shall not be entitled to compensation, unless he has executed it with the pre-

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is simply to say he may do under this Act what he could do, and do better, before it passed. I say your Schedule is a blind guide, which can do no good, and may lead astray. Then, I shall be told that I must look at this in regard to the limited owner. I think the limited owner portion is the best part of the Bill, but the limited owner can be aided much more easily and simply than by this clause. I am no great friend to your laws of entail; but I say if these laws are to be maintained, you have no right to allow the limited owner to spend and arrange for expenditure, without an appeal to some tribunal which must guard the interest of the remainder-man. I have endeavoured in the Amendments, which I have ventured to suggest, to do away with the first class, and to preserve and improve the Bill as regards the limited owner and his successor. Mr. Knollys, the well-known land agent, in his paper—read to the Surveyors' Institute, 4th January, 1875, says—

“Limited owners should not have power to agree with tenants to make permanent improvements, except under the authority of the Inclosure Commissioners.”

And now, Sir, let us look at your second class improvements—burning, chalking, liming, and marling. How do these affect the tenant? He cannot claim compensation at all, if he gives 22 days' notice before beginning—or if he only gives six days' notice. There are 14 days in which he must give notice and begin, or he has no compensation for seven years' improvement. Why, Sir, I often waited three weeks for lime, and, when it came, two weeks for weather. But, Sir, we will imagine all having gone on well, and the improvements made. Are you going to give the tenant this power to do what he calls a seven years' improvement—of which his landlord may have to pay six—and give his landlord no appeal against the notice? It seems to me to be a very extraordinary proceeding. I go further than this, and I say that the landlord, at least, ought to have a reference of how the money is to be spent, where it is to be spent, and what sum expended. Well, Sir, the lime is bought; the landlord is not consulted; he sees his tenant not going on satisfactorily, and the compensation has to be arrived at. They may give their consent in writing of his landlord, agree, for so plainly is this Act worded

that we are told—the landlord and tenant may agree. If not, they go to a reference; and

“the amount of compensation shall not in any case exceed a capital sum fairly representing the addition which the improvement, as far as it is unexhausted at the determination of the tenancy, makes to the letting value.”

Makes to what? The letting value? The arbitrators have to find not the rent, but the letting value, and the tenant's compensation is to be leased on the amount added thereto, limited by the amount originally spent. Knollys says truly—

“How can this additional letting value be ascertained, unless the previous state and value of the land are known to the arbitrator.”

It seems to me that by substituting letting value for the actual rent you raise a most artificial and dangerous standard of comparison between landlord and tenant, and one that there is no necessity to set up at all in this case. The bargain between landlord and tenant involves a certain payment, and a certain mode of cultivation on the part of the tenant. If the tenant by expending money in a course of husbandry adds to the temporary productive character of his holding—if he remains, he reaps the benefit; but if he is discharged, all that he requires from his landlord is the repayment of the unexhausted portion of his extra expenditure, the amount of which would cost the succeeding tenant to produce the same effect as the outgoing tenant's expenditure would accomplish. This the landlord can afford to pay, as the incoming tenant will repay him. The payment may be spread over a longer or shorter period. But I fail to see why it should be estimated by a standard of actual or estimated rent, which must ever be a matter of bargain between landlord and tenant, whilst the amount of unexhausted manures is a matter which experience alone can determine and value. Well, Sir, I was anxious to see “what the true friend of the farmer” would say to this, and I looked at once to the Amendments of my hon. Friends, the Members for Mid-Cheshire (Mr. Egerton), West Sussex (Sir Walter Barttelot), East Derby (Mr. Arkwright), and Clitheroe (Mr. Assheton). They say lime must be applied only to pasture. Cheshire says that no compensation is due to improve.



ment if one crop of hay has come off the land. The lime used in my part of the world is generally not used in pasture so much as in bare fallows for corn. But all the "farmer's friends"—from the Lords, who give no compensation after corn or potatoes, to my hon. Friends who only pastures lime, and give no compensation if hay has been mown—all take away from the compensation awarded to tenants by Her Majesty's Government! If there was one greater friend to this Bill than another, it is the hon. Member for Mid-Lincolnshire (Mr. Chaplin), whose speeches we always hear with so much pleasure. Well, Sir, he complained on a very recent occasion of not being able to find animals to carry him. He seems to have ridden this Bill through the second reading; but he finds by the time he gets into Committee that it does not suit him. The hon. Gentleman proposes to divide Class 3 into two classes, 3 and 4—3 to relate to manures. By the Lords Amendments in the Bill, no compensation is allowed after a crop of common potatoes; but the hon. Gentleman restricts this still further. No compensation is to be allowed unless manures are used with green crops; and the hon. Baronet the Member for North Wilts (Sir George Jenkinson), goes still further—that no compensation shall be due unless all home-bred manures are used first of all.

MR. SPEAKER reminded the hon. Member that he would not be in Order in discussing the Amendments until the Bill was in Committee.

MR. PEASE: Sir, I have no desire to forestall the discussion of this Bill in Committee; but I wanted to show by these Amendments how variously hon. Gentlemen look upon this subject from the different districts in which they reside, and to show how impossible it is to draw a hard-and-fast Parliamentary line on that which relates to soils, climates, and manures. I look upon Clause 14 of this Bill with great jealousy. Under it, I think I foresee that any good which this Bill might do the tenant farmer might, in certain cases, be withheld from him. The clauses as to cropping, and as to ploughing, and as to repairs of fences, gates, and ditches, in many of our agreements are stringent and close, and old-fashioned—these are made to hold a bad tenant, rarely if ever put into force. A tenant claiming under

this Act will, in many cases, raise at once the scrutiny of the landlord, and, under this clause, it will be in his power to bring up counter claims so serious in character, and yet which would never otherwise have been named, as to make void the actual intentions of the Government by the Bill. And yet, Sir, the clause on the face of it is fair. I could not see my way to say that the same tribunal which gave the tenant compensation for unexhausted improvements should not also compensate the landlord for acts done by the tenant which damage the letting value of the holding. I propose, in Committee, to offer some suggestions in this direction. Then, Sir, Clause 24 seems to me a most extraordinary provision. I have often been in reference—not unfrequently been referred to—but this is the first time I ever heard of an arbitrator having to give reasons for an award. I cannot think that in this instance they are wanted or desirable—"Your reasons may be, probably will be, wrong, and yet your judgment right," is said to be a wise judicial axiom. I should think in this matter more than in all others this is salutary advice. I am told, by a most competent Judge, that Clauses 17 to 30 should come out, as better drawn and stated, provisions are to be found in 8 & 9 *Fid.*, c. 19—the Lands Clauses Consolidation Act. On this I offer no opinion. Now, Sir, through this most unsatisfactory Bill, and through these Amendments, we have to steer a way in Committee. I do not myself see how, with such a feeling on the part of the House, any satisfactory measure is to be arrived at. I was unwilling to oppose the second reading, or to oppose going into Committee, because I see behind a not very deep or dark cloud, a measure for compulsory compensation "looming in the future" behind the Bill of Her Majesty's Government. The Act looked for by the tenant farmers of England is one that must be binding, as far as it goes, on both landlord and tenant. We know such a Bill is not wanted in the vast majority of cases—the law now, as of old, is wanted for the evil-doer—"They that are whole need not the physician, but they that are sick." It must give the farmer security for the outlay of capital, not in these large and more ambitious arrangements—the day for these is not here yet—but in carrying

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out the simpler and everyday processes which distinguish good farming from bad. What we want is to make the farmer feel as he lays down his cash—for cake, food, and manures—"If my farm looks better—is better, bears better for my expenditure, my new landlord cannot raise my rent, my old landlord cannot think I can pay more, my hard up landlord cannot give me notice to quit, without he pays me fully and fairly for that which I leave behind me, that which I have placed in the land over and above the expenditure in which ordinary farming consists." This is the position which the English tenant farmer asks should be his by statute law, out of which no agreement can shift him. This Bill gives him nothing of the sort—all that it does is to offer a Permissive Bill, unsettling alike to the landlord and tenant. I would, therefore, most respectfully urge on Her Majesty's Government not to go into Committee on that which, when it comes out, will satisfy no one; but to feel that having done great good by bringing this matter fully before the country, next year they can come to us again, with a much simpler Bill, but one much more binding, and directly compulsory in its character.

#### Amendment proposed,

To leave out from the word "That" to the end of the Question, in order to add the words "instead of attempting to deal with all classes of agricultural improvements by optional provisions as in the present Bill, it would be more satisfactory to the Country to defer dealing with permanent improvements, and to provide at present that compensation for temporary improvements be imperative in all cases,"—(*Mr. James Barclay*,)

—instead thereof.

MR. WILBRAHAM EGERTON said, he did not believe that the tenant farmers of the country had any wish for a compulsory Bill. Such an opinion might be held by Chambers of Agriculture or Farmers' Clubs, but he had yet to learn that they represented the majority of the tenant farmers of the country. He believed, in fact, that the majority of the tenant farmers neither cared nor had any anxiety as to the probable fate of the Bill, because they were perfectly satisfied with their landlords, and an alteration of the law was only required for exceptional cases. The only thing they cared for was the "letting value." It would be a great ad-

vantage to the tenant farmer that the presumption of the law was in his favour, and a Bill of the kind would be a great boon to any who happened to have bad landlords. The effect of a compulsory measure would be to drive small tenants out of the field. The chief cause of bad cultivation was the ignorance of the farmer, and for improvement in that direction they must look to an increase of education. Again, compulsory legislation would tend to raise rents, which would be a great evil. In his own neighbourhood the moderate rents paid by the farmers enabled them to get through the scourge of the cattle plague without being turned out of their farms or becoming bankrupt. They found that throughout the different countries of Europe there were no compulsory regulations between landlords and tenants. They existed to the greatest degree in Denmark, where the farmer, to entitle himself to a return for the capital he invested, must give notice and have the farm re-valued. In this country, too, under a compulsory system, there should be a re-valuation of farms. Compulsion was not found to work well abroad; but there prevailed on the Continent more or less of regulation of the relationship existing between landlord and tenant very much of the kind proposed by the Bill. One of the great difficulties in the way of compulsory legislation in this country arose from the variety of customs in the different parts of England, which took their origin in the different natures of the soil. He believed that if the measure became law it would indirectly have the effect of spreading the Lincolnshire custom over the Kingdom, and that before 20 years had elapsed the main provisions of the Bill would form the general basis of all agreements between landlords and tenants, and he must therefore vote against the Amendment of the hon. Member opposite.

SIR THOMAS ACLAND said, that the Bill as it now stood was not the measure which had been introduced into the House of Lords, or even into the House of Commons. They had been told that there was a great deal of agricultural knowledge in the Cabinet, an amplitude of knowledge, he presumed, from the source from which it came; but he still was of opinion that they were not wise in the course which they had adopted, and that they had not taken a fully suf-



ficient view of the subject. One mistake they had made was this, they had not taken sufficiently into account the difference between the broad acres and corn lands of the East of England and the grassy slopes, hills, and valleys of the West of England—to say nothing of the great cheese pastures of Cheshire. It could not have escaped the observation of hon. Members that a great and increasing public interest was being taken in the question of the ownership and cultivation of the land. That question had had the light of public opinion thrown upon it, and he had no doubt the country would be the better of a thorough and searching discussion of the subject. They had now for the first time a responsible Government laying down the lines of a great national land policy, and it behoved Parliament clearly to understand from the Government what were the lines on which that policy was to be laid down. It appeared to him, however, that in the Bill the Government introduced details which were quite inconsistent with its general principles. Three views or ideas appeared to prevail on that subject—first, that a small class of peasant proprietors ought to be created, having something like fixity of tenure; next, the encouragement of large capitalist farmers, having, for a time at least, concurrent rights of ownership with perfect freedom of action, and a guarantee against risk to be secured by Act of Parliament; and, thirdly, an improvement of the existing and prevailing relations between the owners, occupiers, and labourers, of the land. It was a noticeable fact that the class which would not receive the slightest benefit from the Bill was the occupiers of less than five acres; but he was quite aware of the difficulty of compensating such small occupiers for labour, manure, and other matters which came under the general head of improvements. In relation to the question of compensation, he had received a letter from a Yorkshire farmer, stating that to give the tenant-farmer a territorial right in the land and to secure him an undue amount of compensation for improvements would be the first step towards Communism, inasmuch as it would encourage the farm labourer to assert that he had rights in the soil. He, however, assumed that it was the intention of the Government by the Bill to improve the relations which

now subsisted between the owner, the occupier, and the labourer in the country, as well as to give security to capital already invested in a practical manner in the land, and thereby to facilitate the improvement of land and the production of additional food. He wished to know why this measure was received with dislike in some quarters and with apathy in other. The Prime Minister's relations to his party in regard to the Bill were very much like those of a certain physician and his patient. The doctor gave his patient some medicine to take, and the latter, on being subsequently asked if it had done him any good, said—"It did me no harm; yonder it stands." The Conservative landlords of the House and the landlords generally said—"Oh, we will accept the Bill, for it will do us no harm;" whilst the farmers said—"The measure will do us no good, but we had better take it for what it is worth, and we shall get a good deal more at some future time." The Bill gave the farmer no certain security for the farming capital he had invested in his business; while, at the same time, it raised apprehensions that more stringent covenants in leases and higher rents would be exacted in future. Another fault in the measure was that it laid down broad principles with regard to the abstract right of the tenant to compensation for improvements effected by the expenditure of his capital without any reference being made to the covenants under which he took his land or the amount of rent he paid. Thus, although the Bill was not a permissive one, it gave the landlord very strong inducements to insert stringent covenants in his leases. What he wished to impress upon hon. Members opposite was that the Bill would tend to destroy freedom of contract between the landowner and the tenant-farmer and to bind them both by arbitrary rules. It would press most seriously on limited owners, and in many respects would be found impracticable, when they once got into Committee. The fact was the Government were endeavouring to force customs of the great corn counties of England on other parts of the country to which they were by no means adapted. He objected to the power proposed to be given to the County Court Judges to select the arbitrators, and he thought it monstrous that the patronage on matters so vitally affecting

*Sir Thomas Acland*



the landed interest of the country should be handed over to any class of judges, whether high or low. Of the 400 Amendments on the Bill which had been placed on the Notice Paper 100 were in favour of the landlords, 25 were in favour of the tenant, and but few in favour of the security of freedom of contract. Yet it was the opinion of the President of the Institution of Surveyors that permanent improvements in land could never be effected by an Act of Parliament, and must entirely depend on the mutual interests of the owner and occupier. No law could effect such a state of things, and it was idle to introduce such a principle in the Bill now before the House. More than a century ago Sir Robert Peel stated that by setting industry free the value of land would be increased, and so it had turned out to be. In his opinion, the form which Amendments should take was so to modify the clauses of the Bill as to deal with the operations for the ordinary conduct of farming business, and with permanent improvements on a different footing; secondly, to provide for different practices in different parts of the country giving the force of law to custom, and not forcing on one part of England the customs which prevailed in another. In the third place, the measure of value with regard to manures and feeding tuffs should be altered. The measures of value as the Bill came down from the House of Lords was "the letting value." That was now taken out of the Bill in favour of the landlord, and "the actual outlay" was introduced in its place. He had several communications on the subject last week, and three-fourths of his correspondents were most emphatic against both the present and former measures of value, and were in favour of that measure which he had placed on the Paper. The Bill before the House was opposed to the principles which were acted upon on the best-managed estates, and he appealed to the Government to make it simple in its form. If they did so, they would give more satisfaction to their own supporters and would do much more for the benefit of the country. The Government had a great opportunity before them if they dealt honestly, simply, and wisely with this subject. No obstruction was offered to them by their opponents. The whole responsibility of initiating a land policy for England rested upon them, and the

decision of this great question mainly depended on their land-holding supporters. Much as he felt indebted to his hon. Friend who had introduced this discussion, he should have great difficulty in voting with him, because he thought it inexpedient to ask the Government to defer anything they might think it right, on their own responsibility, to bring forward on this subject. His hon. Friend had done good service in raising this debate, but he trusted he would not consider it necessary to press for a division. With the principle of the hon. Member's Amendment, however, he (Sir Thomas Acland) fully agreed, for in fact it substantially embodied the principle of a Bill which he himself had drawn, and which had been extensively circulated through the country and had met with much approval.

Mr. BROMLEY-DAVENPORT said, he agreed with those hon. Members who thought the Bill was not required except to meet very few and very exceptional cases. They had been told that it was called for by a great agitation, but he believed there was no agitation outside the Chambers of Agriculture, and he very much questioned whether they represented the feelings of the farmers in general. The majority of landlords filled their position as regarded their tenants very much to the satisfaction of the latter. His own tenants actually left their holdings in their wills, a fact which, whatever other construction might be placed upon it, and although it might be called a feudal relation, indicated no want of confidence in their landlord. As to unexhausted improvements, he had always had agreements on principles so settled that he had a printed form. Those principles went in the direction of securing to outgoing tenants the value of their unexhausted improvements; and he believed, in the majority of instances, the same was the case with English landlords. The right hon. Gentleman the Member for Sandwich (Mr. Knatchbull-Hugessen) made some extraordinary statements the other night; but everybody must have been struck with their electioneering tone. He twitted hon. Members with their claims to be called the "farmers' friends," and hoped that they appeared in that character for the last time, intimating, however, that he was quite ready to undertake the management of

a new company. The right hon. Gentleman availed himself largely of the reckless assertion of the late Lord Derby—the sole instance in which that eminent statesman was guilty of anything of the kind—that the land was capable of producing twice as much as it did now. The right hon. Gentleman based a most unworthy argument upon the fact that the population was increasing in numbers and intelligence, when he said in substance that the first use they would make of their power would be to get hold of other people's property. [Mr. KNATCHBULL-HUGESSEN dissented.] The right hon. Gentleman said there would be a revolutionary movement to get hold of land, and that the landowners would be closely watched. But in a revolutionary movement other property would be in danger, and jewellers' shops would be watched as well as landowners.

MR. KNATCHBULL-HUGESSEN begged the hon. Gentleman's pardon. He had not said anything about a revolutionary movement.

MR. BROMLEY-DAVENPORT said, in that case he begged the right hon. Gentleman's pardon. He had read the speech of the right hon. Gentleman, and it certainly contained the words he had quoted. He was sorry if he had been misled by a mistake of the reporter. He repeated that the Bill was unnecessary except in cases which were extremely rare. He objected to it because it would flood the country with referees. But having gone so far with the Bill, he said pass it and have done with it. It might possibly stop a great deal of unnecessary talk throughout the country.

MR. M'LAGAN said, he would not, as he had supported the second reading of the Bill, occupy the time of the House long, and would confine his remarks to the Resolution now before them. That Resolution opened up the whole question with regard to making compensation by the landlord to the tenant for temporary improvements compulsory. The effect of such a Resolution would be to force them to enter upon a difficult path. They were not left to guess what would be the effect of their proceedings, for the hon. Member for Forfarshire (Mr. J. W. Barclay) had fairly told them that one of the principal questions to candidates at the next General Election would be—"Do you approve of the extension of compulsion to the Agricultural Hold-

ings Bill?" He (Mr. M'Lagan) would say that he objected to interference with all contracts in agricultural matters, as he objected to all interference in contracts relating to other matters. It had been stated that last year they passed a law amending the Factory Acts, and that it would have been of no avail if it had not been for the clause prohibiting contract between employers and employed; but in making that assertion the hon. Member forgot that in legislating last year with regard to the Factory Acts, they were dealing with the case of women and children. In this Bill on the contrary, they were legislating for educated and intelligent men. He believed, therefore, that the instance quoted by the hon. Member did not apply. He agreed with the hon. Member that full encouragement should be given to tenants making permanent improvements, but any legislation which would interfere with the flow of capital would be unwise, because the great base of English and Scotch farming at the present time was deficiency of capital. As to this compulsory legislation, going in the direction of encouraging the tenant to lay out part of his capital on permanent improvements such as buildings, the effect would be that he would be induced not to spend it on the ordinary operations of his farm. If it were to be placed on the landlord at all, it should be put upon him directly, and not indirectly through the tenant. He believed that the time might come when the exigency of the State would demand that there should be some compulsory legislation introduced to apply in such cases as where the landlords were neglectful of the duties of property. The hon. Member had, he believed, stated that his Resolution was satisfactory to the whole country, but he (Mr. M'Lagan) had searched in vain for expressions of opinions in its favour in the Petitions presented to the House. The committee of the London Farmers' Club had certainly passed a series of resolutions in which they declared that, while they did not propose to give compensation for improvements in respect to the first or second classes of improvements under a lease of 20 years, they considered that a tenant was entitled to compensation in respect to improvements of the third class. They had not said that they approved of any interference with freedom

*Mr. Bromley-Davenport*

of contract between landlord and tenant, though they considered that the tenant was entitled to compensation. The farmers of Scotland had recently expressed their views at a deputation which waited upon the Duke of Richmond, and what they required was a fair field and no favour. They asked that laws for the undue protection of the landowners should be repealed, such as the law of hypothec. They wished to be placed, so far as regarded the question of contract, on a level with their landlord, and they thought it a childish request to ask the House to make bargains for them. The hon. Gentleman the Member for Forfarshire denied that his Motion interfered with the contract between landlord and tenant; but if that were so he was at a loss to account for the presence of the word "imperative" in the Resolution. The hon. Gentleman said the contract would be between the outgoing and incoming tenant, but hitherto the practice in Scotland had been that the contract was made between the landlord and the incoming tenant, and to alter it would be an interference in the very direction the hon. Gentleman disclaimed, and for that reason he should object to it. The hon. Gentleman said his object was to legalize the Lincolnshire tenant-right; but if so, there was no necessity for their legalizing compulsion, since the Lincolnshire right was entirely permissive, and the landlord might contract himself out of its obligations so far as he was concerned. He must confess he heard to-night, with some surprise, the statement that putting manure into the soil did not add to its value, for it was well known that a farm in good condition would bring more rent than one in a bad condition. He believed that compensation for unexhausted improvements was simply a matter of rent, for if a tenant knew he was to be paid compensation for such improvements, he would pay a higher rent than if he knew that he was not to receive such compensation, and it was much the same to him whether he was to have £1,000 at the end of 20 years' lease, or a reduction of £40 or £50 in the rental. On the whole, he could not help thinking that much that had been said upon the Motion might have been said with much better effect when they got into Committee on the Bill. Whatever it might amount to, the Bill was a step in the

right direction, and if it had no other provision than that which gave a presumption in favour of the tenant, it would be a great boon to the country. The objection to the 45th clause could be got over by adopting an amendment that appeared on the Notice Paper, and agreeing to the declaration that a tenant was entitled to unexhausted improvements, leaving the tenant and the landlord to settle among themselves how the compensation should be paid. He would, too, extend the term of notice to two years, as the notice to quit at six months was a cruelty, especially in this country, where there was such a demand for land, that the tenant under notice had not the time to look about him for a new holding. In the course of two years he might recoup to a great extent what he had laid out on the land, while the interest of the landlord might be preserved by making it obligatory on the tenant to put a certain quantity of manure upon the land in the interval. There was another thing he would like to see added to the Bill. At present any buildings erected by a tenant must remain on the land, but he would like to see a provision by which a tenant who erected buildings without the consent of his landlord should be able to remove them or sell them at a valuation. He believed that no reasonable landlord would object to such a provision.

MR. ASSHETON believed that if the Bill passed in anything like its present form, it would do much to derange that good understanding which now happily subsisted between landlord and tenant. The measure might have been drawn to meet the circumstances of some parts of the country, but it certainly was not suited to the conditions of agriculture in the county with which he was connected (Lancashire), where the land was occupied in dairy farming. There it would lead to fresh agreements if the tenant did not agree to contract himself out of it. The landlord would refuse to let him the land, and this would, in its turn, lead to an increase of rent, and the result would be that over large tracts of country there would be a discontented tenantry, who would not bless their friends for the measure they had got Parliament to pass.

MR. GOLDSMID, who had had some experience of land in one of the southern



counties, judged from the Bill that the draftsman had a local knowledge of some other part of the country, and that, without making any inquiry, he had assumed the facts in his possession to be general and not merely local. They certainly were not the conditions which prevailed in Kent. With regard to the first Schedule of improvements, they were those which it was admitted ought to be carried out at the expense of the landlord's capital, so that when the tenant executed them he was in fact lending the money to the landlord, to be paid back to him at the end of his tenure, and the only interest he was to receive for it he would receive, not from the landlord, but from himself, in the annual increment of the value of his holding. Ostensibly the Bill was to apply not to good landlords, but to bad, and yet it was not made compulsory even upon them. Well, his opinion was that there was something ridiculous in the idea of giving landlords and tenants power to do a thing by means of an Act of Parliament which they could easily and readily do without such an Act. The first Schedule of the Bill he therefore thought was unnecessary, and the second was unjust, because it laid down a hard-and-fast line which could not possibly apply to three-fourths of the land in England. How could anyone say, for example, that a manure applied to a particular class of land would last seven years, where, in some cases, it might last three, and in others ten, and yet the Bill laid down that, in all cases, certain manures applied to all soils, however varying, were to last seven years. In any legislation about such matters there ought to be an elasticity which would suit greatly varying circumstances. The proposed third class of improvements practically implied the recognition of the system of half-manures; but experience had shown that nobody could tell, after a manure had been used for a particular crop, the proportion that should be considered as standing over for the next crop; the result was that in the part of the country in which he lived the system of half-manures had been by common consent abolished, and yet it would be re-introduced by this Bill, unless landlord and tenant contracted themselves out of it. At present, difficulties were experienced by the small proprietor in obtaining the capital he

required, and those difficulties were all the greater when he happened to be a limited owner, yet there was nothing in the Bill, when the tenant did not wish, or was not able to lend money to his landlord, to alleviate the position of the limited owner in this respect and to remove the evils which had been complained of. At a distance from a town a large farm could be cultivated so much more advantageously than a small one that small farms would become impossible; and in view of this fact the question was raised whether the Bill would not hamper the farmer who was well able to contract for himself, as it certainly would by providing for practices which were not customary in five-sixths of the country. The Bill contained too much reference to the County Court; that of itself would make farmers suspicious, and in practice it might prove more costly than agreements. If the letting value were brought in, the matter would be complicated unnecessarily, and in such a way as to cause great difficulty between landlord and tenant. It was undesirable to hamper a Bill by what was permissive, and, therefore, unnecessary, and by a reference to the County Court, which could only produce difficulty. What it was required to accomplish by legislation was that the presumption of law should be in favour of the tenant on the question of manures and temporary improvements, and the tenant ought to be compensated for what remained according to a valuation. If the method of taking this valuation were left to be settled in every case, according to the varying conditions of different parts of the country, the result would be more satisfactory than it could be under the hard-and-fast provisions of the Bill. A second object to be attained was to enable a tenant for life, who had, practically speaking, very little power over his property, to obtain money for reasonable and permanent improvements which would add to the permanent value of the property. The difficulty of doing this was the cause of half the disagreements that arose at present. If this grievance were met, it would, he could assure those who were its supporters, do more to maintain the law of entail than could be done by any other amendment of the law.

LORD ELCHO: Sir,—“We have taken a leaf out of the Irish Book, and

*Mr. Goldsmid*

we learn quickly." These are not my words; they were spoken by one of the witnesses who came up with the hon. Gentleman the Member for Forfarshire (Mr. J. W. Barclay) to give evidence before the Committee on the Game Laws, over which, two years ago, the right hon. Gentleman the present First Lord of the Admiralty so ably presided. This witness had given utterance to the wildest possible views on matters relating to land and the relations of landlord and tenant, and these words were spoken in answer to this Question—"Did such ideas as you have just propounded ever enter into the heads of the tenantry of Scotland before the passing of the Irish Land Act?" "No," was the reply; "but we have taken a leaf out of the Irish Book, and we learn quickly." Here, then, we have words of warning, the moral of which I wish to point out. But, although anxious to speak upon this question, I should, had the hon. Member for Forfarshire not persevered with his Amendment, readily have assented to the proposal of the Prime Minister that we should, without further discussion, go into Committee on this Bill. As it is, I shall now endeavour to show what I believe to be the evils and the outcome of this kind of legislation. The Bill itself is, no doubt, in appearance innocent, inasmuch as it professes to maintain freedom of contract; nevertheless, I believe it to be dangerous, as containing the germs of future evil, as well as being uncalled-for and inexpedient, whether we look to the interests of the landlord or the tenant. It is a departure from sound principle. The Bill is said to be necessary on the ground that it will increase the food of the people. I take issue on that ground. If we look at what is passing around us in the agricultural world, we see everywhere signs of the great strides which agriculture has made during the last 30 years—since the days when "Ialpa" wrote to prove the necessity of draining. Everywhere, those who run may read the signs of this improvement. We see it in all directions as we are borne along by the rail from John o' Groats to Land's End. It is visible in the Taunton and agricultural show yards; in the increased demand and multiplication of machinery, where-with the earth is tortured and its produce increased; it is seen in the recla-

mations of wastes and commons proceeding so rapidly, that an association has been formed for their protection from enclosure; and I can trace it in my own country, where what was a few years ago moorland, the habitation of the grouse and the snipe, now grows turnips and other crops. And although, no doubt, Lord Derby has said that the soil could be made to produce 50 per cent more than it now does, that was, I believe, meant to apply only to the lands in his own neighbourhood; and we have the authority of my hon. Friend behind me (Mr. Fell) that this possible increase could not be put higher than 20 per cent; while Mr. Caird puts it at 25 per cent; and the hon. Member for South Norfolk (Mr. Clare Read) puts it at 10 per cent. Mr. Caird further says that, acre for acre, we produce 60 per cent more than any other country of Europe. I say, then—"For God's sake, leave that system of agriculture alone that is producing such results." No inducements are required to bring money to the soil. Capital is now freely invested in farms wherever such investment will pay. You cannot, indeed, expect to find everywhere Dukes of Sutherland, who at enormous expenditure will tear up bogs by machinery, in the hope of growing an indifferent, unremunerative turnip. The food of the people argument, therefore, will not hold water, and that is the only possible grounds upon which it is attempted to justify this Bill, which is a departure from the sound principles of political economy. It is not for the sake of the tenant; it is not out of charity; it is not because he may in some cases have made a bad bargain that you dare say you legislate upon this question, because on that principle you might as well legislate for the man who may have bought some of the bad china, of which so much was recently sold at Christie's, or who has invested his money in a box at the Albert Hall. *Caveat emptor* is a sound doctrine, and men should be taught to look after themselves. I say, moreover, that this legislation is uncalled-for, even as regards the tenant, for we have heard from the Leader of the Opposition that there are few, if any, cases where legislation on his behalf is required, and a gentleman of great experience in the management of land—I give his name (Mr. Randall)—has told me that in the



course of 40 years he had only known one instance of a landlord taking advantage of his tenant's improvements, and taking possession of his farm. But this legislation is not only unnecessary, but also inexpedient, both as regard the State and the tenants. Let us take the tenants first. What will be the effect of substituting the State for the landlord? Why, you will build up a wall between them. Where there was confidence you will cause distrust, and you will substitute litigation for friendly understanding and agreement. But if this kind of legislation is to prevail; if the food argument is to be carried to its legitimate conclusion, it will be necessary for the State to go a great deal further; to prescribe what amount of capital a tenant shall have, what shall be the rotation of his crops, and the cultivation of his farm. It will, further, be necessary to consolidate farms, and send round a Royal Commission to turn out incompetent farmers; nay, to fix wages and the amount of labour for each farm. And what will be the inevitable effect of the Bill? Why, to raise rents, as the noble Marquess opposite (the Marquess of Hartington) has already pointed out. I cannot, then, think that this legislation is in the interest of the tenant. But now as to the State. The next thing will be that the State must prescribe to landlords how much land they shall devote to certain purposes. It would, in my opinion, be an evil day for the State when it steps in and dictates to the farmer or the landowner what he should do, and what he should not do with his land, yet it is anticipated that such a day will come, and one hon. Gentleman has given it as his opinion before that same Game Committee that the time might arrive when the State would say to a particular individual—"You must not have more than 10 acres of flower garden." That Gentleman was the hon. Member who has moved the Amendment.

Mr. J. W. BARCLAY explained, he had stated in answer to a theoretical question, that he could fully conceive a time when the population of this country would become so dense that the area of land devoted to certain purposes would require to be limited.

LORD ELCHO: I claim to have correctly stated the substance of the hon. Gentleman's reply. True, the time has

not arrived; but its arrival is to be fixed by political exigency. But if the Government interferes in the matter of food, why not also in the matter of clothes? Clothes are supposed to be a necessity of civilized life, although, no doubt, I see ladies going about society who appear disposed to dispute that necessity. Still, clothes are accepted as one of the necessities of life, and would necessarily, upon the food principle, come under the charge of the State. So, also, fuel, without which you cannot cook your food; so, also, houses. And what does that argument prove, but that these are matters with which no wise State would interfere; for if it meddles, it will infallibly muddle, as this Bill shows, for it fails altogether to lay down sound intelligible rules for dealing with these matters. It is, indeed, impossible to do so in an Act of Parliament; and there is proof of this in the working of the Irish Land Act. Let me give an instance. There was, last year, a case where a tenant of the Duke of Leinster, on a farm of 220 statute acres, claimed £1,000 for unexhausted tillages and manures. A witness of supposed experience in such matters, called by the claimant, said he had made a field to field valuation, and he put the rightful claim of £708; but Mr. Lawes, who is admitted to be one of the highest scientific agricultural authorities in the Kingdom, was also examined on behalf of the Duke, and the conclusion at which he arrived was that, so far from the tenant having any claim against his landlord, the landlord had rather a claim against the tenant for deterioration. Mr. Lawes, indeed, was so forcibly struck with this case that he wrote an able pamphlet on the subject, in which he came to certain conclusions in the matters to which this Bill relates. He therein says that the Irish Land Act, while very explicit in all that relates to the legal machinery by which claims may be tried or established, gives no information as to what constitutes unexhausted value, or how that value is to be estimated. In all cases of English customs, including Lincolnshire—*pate* my hon. Friend the Member for that county (Mr. Chaplin)—there is, he says, this error, that the allowance is expressed in a certain proportion of the "original value" of the purchased feeding stuff or manure—"original value" meaning original cost

*Lord Elcho*



of the article. Now, it is entirely fallacious to assume that the manure value of a food, whatever may be its composition, bears a fixed position to its original cost. And Mr. Lawes sums up this question as follows:—

“1st, In the existing state of our knowledge no simple rules applicable to various soils, sub-soils, climates, seasons, crops, and manures, can be laid down for the valuation of the unexhausted residue of previous applied manures which have already yielded a crop. 2nd, Under such circumstances valuation upon such a basis would very frequently result in injustice to the one party or the other, and would probably lead to much litigation. The manure value alone should be adopted as the basis of any calculations of the unexhausted residue of manures derived from the consumption of purchased or saleable cattle food.”

Now all this tends to show how unwise it is for the State to meddle in such matters. Better far to leave men free to enter into contracts between themselves, and maintain inviolate the freedom of contract which the Duke of Argyll has well said is “the very breath of commerce.” The Government Bill does not, indeed, so far as it goes, interfere with freedom of contract; but the Amendment of the hon. Gentleman opposite (Mr. J. W. Barclay) does, for it contains the word “imperative.” Such interference would be antagonistic to the legislation which has ruled of late years in this country, and would be directly opposed to the policy of Free Trade, of which hon. Members opposite boast themselves the originators and champions. The policy of the country in modern times has been not to impose restrictions where they do not exist, but to remove them where they do, and the Law Courts and lawyers exist not for the purpose of preventing, but of enforcing contracts. Hitherto, happily, if there have been exceptions to this sound principle, these have been confined to the protection of women, children, and lunatics, and to questions of life and health; and I should be glad to know under which category farmers are classed by those who thus seek to legislate for them in the sense of this Amendment? It may, no doubt, be said that some Chambers of Agriculture hold different views; but I have yet to learn that the Chambers of Agriculture really represent the true feeling of the mass of the farmers of this country upon this question. I would take the Suffolk Election as a test, which shows that those

who are most noisy in demanding that the relations between landowners and farmers shall be subject to compulsory legislation do not always represent the views of the farmers on this question. I have myself just come from an agricultural gathering in the county of East Lothian, and when I spoke against the introduction of compulsory legislation between farmers and their landlords, not a single farmer uttered a word of dissent from the views I had laid before them. I am inclined to think that the real views of the farmers of Great Britain upon this point were more truly expressed by Mr. Hope, late of Fenton-barns, who, when speaking upon the compulsory clause of Mr. Loch's Game Bill, said—

“The farmers were not so imbecile as to require to go, hat in hand, to the Legislature and ask them to protect them from their own acts.”

And in 1870, the hon. Gentleman the Member for South Norfolk (Mr. Clare Read), in referring to the Irish Land Act, asked why they did not follow the example of Belgium in dealing with the Irish Land question, and abstain from legislating upon the relations of landlords with their tenants as to the granting of leases, &c., considering that such action would be interfering with the individual rights of property. And he further asked—“Why Her Majesty's Government could not have emulated Belgium, instead of introducing a measure which would interfere with the rights of property?”—“Why should the Irish tenant be treated as a spoilt child?”—“Why should we vitiate every law of political economy?” No doubt, we now had political philosophers who hold different views. Thus, the right hon. Gentleman the Member for Sandwich (Mr. Knatchbull-Hugessen) had told them that there was no freedom of contract as between a landlord and a tenant, who had only the freedom to refuse the landlord's conditions if he did not like them, and he had added that—“When the landlord was bound only by his own will and pleasure, and the farmer was bound by the will and pleasure of the landlord, it was a farce to call it freedom of contract.” But I turn from this fairyland philosophy, fit only for a Christmas publication, and I come to the more serious philosophy of the hon. Member for the Kirkcaldy Burghs

(Sir George Campbell). That hon. Gentleman has come to us from the East, from governing 80,000,000 of men, and he deliberately tells us that throughout a great part of this country "the farmers had long been subject to a tyranny—he meant an economic and social tyranny—from which he maintained they ought to be relieved, and that a moderate interference with freedom of contract was called for by the circumstances of the case." And what, let me ask, is this economic and social tyranny of which the hon. Member speaks, and which calls for this interference with free contract which he advocates? Why, the law of supply and demand, which regulates all the transactions of this life, from the taking of a farm to the purchase of a tea-cup. But we must, in justice to the hon. Member, bear in mind that his views are somewhat advanced, inasmuch as he stated a year or two ago at a Social Science meeting in Glasgow, that the time was approaching when the land would have to be divided among the people. It is, Sir, a comfort under these circumstances to turn to the unofficial sound Saxon sense of my hon. Friend the Member for South Leicestershire (Mr. Pell), who said the other day—"Do not propound to simple-minded men coming out of the country, ideas of law and legislation and political economy which could never be reduced to practice." And it is pleasant also to be able to quote upon this subject words of wisdom which fell from the lips of my right hon. Friend the Member for the University of London, before the passing of the Irish Land Bill, and before he was seduced from the paths of virtue by the late Prime Minister. Speaking in 1868 on the Irish Land question, he said—"I hold it is a retrograde notion in jurisprudence to pass laws to limit the power of contract between landlord and tenant. I hold this introduction of a compulsory term into voluntary contracts to be a blunder and a solecism. All these attempts against nature, against the laws of political economy, and against that natural law which binds men by the contracts they make, must in the nature of things recoil, and the person whom you mean to benefit is injured by them. There is an oasis in the desert of politics upon which we may safely rest, and that is afforded us by the principles of political

economy." I well know that it is the fashion with some philosophers and professors to denounce political economy, which they describe as "the dismal science;" but what, after all, are the canons of political economy but the generalized deductions of common sense from the accumulated facts of daily human life and action, and these canons, I venture to think, will endure long after the new-born, crude, sentimental, false philosophy has been blown to shivers and the winds. Let us then hope that the oasis referred to by the right hon. Gentleman will not be abandoned; but if any be inclined to do so, let them take warning by Irish land legislation and its consequences. It is admitted that it was what is called "exceptional"—that it was a departure from sound principles. What was its cause? It was not the land laws, but the land lawlessness of Ireland. It was because the Irish tenant shot his landlord or the agent, and because it was necessary to secure the Irish vote that we had the Irish Land Act. And what has been its effect in Ireland? Why, that agricultural improvement, so at least I am told, has been stopped through the operation of the clauses on alienation, disturbance, and presumption. And how can it be otherwise? for a relative of my own has told me that half his Irish estates, being in large farms, he has some control over that portion of his property; but that, on the other half, where he has a considerable income paid in small sums by innumerable tenants, there, owing to the operation of the disturbance clause, his property is practically withdrawn from his management and control, and must ever continue so. And yet, after all this, have you satisfied the Irish tenant or his Representative in Parliament? Why, I recollect reading, a year or two ago, in *The Daily Telegraph*, the special organ of the then Prime Minister, an article, in which the Irish were reproached for their ingratitude in not being satisfied with the "confiscation," that was the word, of a considerable proportion of the landlords' property—a confiscation, the amount of which the late Member for Kilkenny (Sir John Gray) put at untold millions. And is it not further notorious that the Irish vote has not been secured, and that such is their ingratitude, that the Chief Secretary for Ireland, who passed this measure, was

turned out of Parliament, and has had, as Lord Carlingford, to take refuge in "another place." And have the demands of the tenants now ceased? Are their Representatives now satisfied? So far from it, that last winter a meeting was held, a land conference, in the Rotunda at Dublin, where one Irish Member said—

"The people of Ireland demanded—first, occupancy by the tillers of the soil as they paid the rent; secondly, that their rent should be a fair rent; thirdly, that it should be a valued rent. They also insisted that the landlord should, as in many parts of Ireland, have the privilege of selecting the tenant, but that the tenant must be allowed to bring the land into the market so as to realize the highest money value by selling it to any person he chose. This was what they wanted. They would not be content with anything less than he had stated. The Land Act of 1870 admitted the principle which they now struggled for."

And another Irish Member shortly put the question by advocating what he called the three "F's"—namely, fixity of tenure, fair rents, and free sale. If, then, such have been the results of this kind of legislation in Ireland, what has been its effect in Great Britain? Why, two years ago an English Tenant Right Bill was brought in by a Gentleman whom I now see beyond the Bar, and whom I should like to see in the House again. ["Order!"] I admit that I am out of Order; but I have, at any rate, the advantage of being able to speak of this Gentleman by name. Mr. Howard, then, introduced a Bill which interfered with freedom of contract between landlord and tenant, and which unfortunately was never debated owing to his illness; but I sent a copy to a most experienced land agent asking his opinion respecting it, and this was shortly given, by his affixing a new title to the measure, which ran thus—"A Bill for embittering the relations of landlord and tenant, and for raising rents;" results which infallibly would have followed from such legislation. But nothing, perhaps, shows more the rapid progress we have made in England on this question than the publication at that time of a thick octavo volume on land tenure, which was written by a Mr. Macdonnell, a barrister, who said that the next phase was the enfranchisement of leaseholders, not indeed turning them all into landlords, regardless of the rights of the present owners, but that all leaseholders should be enabled to claim enfranchise-

ment on payment of a sum calculated on the average rent of the last four or five years. And, strange to say, on the title page of this very remarkable work, I read that as regarded the author's own property in his book, "all rights were reserved." And now I come to my own country, where some tenants have assuredly "taken a leaf out of the Irish book, and learnt quickly," for nothing can be wilder than the views propounded before the Committee by some of the wild men who came up to give evidence from the wilds of Scotland. [Sir WALTER BARTHELOT: Hear, hear.] Yes, wild men, and if this style of legislation goes on, my hon. Friend will find that wild men will arise in the Wealds of Sussex, as in the wilds of Scotland. Well, one of these witnesses, a Mr. Purves, a sheep farmer on a large scale, said—

"A tenant is no more capable of making a bargain with his landlord, than a sheep is with its butcher."

an illustration I commend to the right hon. Member for Sandwich, for his next Christmas tale, as it suits his philosophy of land. And when asked if he looked to fixity of tenure, which he had said they wanted, as the result of good feeling between landlord and tenant, or as the the result of legislation, he said—

"I look to it as the result of legislation, for we have tried the landlords and found them wanting, and we now intend to have it for ourselves."

Another large tenant from the North, Mr. Mundell, wished for a law by which shootings should always be compulsorily let along with the grazings; and when asked wherein certain of his proposals differed from confiscation he replied—"God Almighty made the land." [An hon. MEMBER: Hear, hear.] Yes, He made the land as He made coal and everything else; but without the labour of man expended on the cultivation of the one, and the production of the other, they would be of little value. It was to turn these gifts to account for the general use that they have been granted by the State to individuals, and I can only say that if the State chooses to purchase back the land, few landed proprietors would, I think, object to getting five per cent for their money in some profitable investment, instead of its returning them two per cent on land. But to return to Mr. Mundell; he went on to say that "God Almighty first gave the land to



a character to induce the House to refrain from entering upon a fulfilment of its legitimate duty—I mean that of investigating this Bill in Committee. The hon. Gentleman who introduced this question (Mr. J. W. Barclay), and the hon. Member for South Durham (Mr. Pease), who seconded his Amendment, favoured the House with two most ingenious addresses. Indeed, I have rarely listened to two more interesting addresses; but the interest I drew from them was not merely due to the talent of the speakers, but to the fact that I felt the convenience of having laid before me all the facts and arguments which the hon. Gentlemen meant to urge when we had got into Committee on the Bill. But the House, and you, Mr. Speaker, who exercise over us a greater authority only because you seldom call upon us to acknowledge it, felt at last, after having had a *catalogue raisonné* of all the clauses in the Bill laid before us, that it was time to draw the attention of the hon. Member for South Durham to the fact that the occasion was one on which he ought to draw upon his generalizing powers, instead of indulging in the detail with which he was favouring us at the time. One remarkable circumstance that I noticed while both the hon. Gentlemen were speaking was, that almost all the points which they raised had been anticipated by the Amendments which had been placed upon the Paper. It would be premature for me now to give an opinion on those Amendments, and all I can say concerning them is, that they shall receive fair and candid consideration at the hands of the Government. Every argument used by the Mover and Second of the Amendment in reference to the necessity for a relaxation of what they described as a hard-and-fast line has been anticipated by Amendments of which Notice has been given by hon. Members on both sides of the House. That ought to have convinced the hon. Members that, instead of interposing, it would have been better to advance a little and enter into Committee at an earlier moment. The only exception to this general description consists in the speech of the hon. Member for Forfarshire, and comes in at the end of his speech, when he indulged in what I will not call revolutionary, but abstract doctrines. He laid down certain principles on the tenure of land and the conduct of

tenants which might have been made in a different assembly and on another occasion—which were suited, in short, to a much wilder scene than the House of Commons. The hon. Baronet the Member for North Devonshire (Sir Thomas Acland) followed, and I could not gather more than two points from the speech which he made. He addressed the House with elaborate detail, and he had the advantage of the best counsellor in the world, the printed document from which he read. It is really almost taking an unfair advantage in a House managed by a Parliamentary Government, which depends so much upon speaking, for an hon. Member to read his speech. No one can well tilt with a knight whose armour is of that magical temper. I remember that in the old days nobody was allowed to read his speeches in this House except the late Mr. Henry Berkeley when speaking upon the Ballot. The proposition he annually made was considered so ludicrous that the hon. Gentleman was allowed every appliance and advantage to assist him in getting through so difficult a task. Those who are interested in the land question were, said the hon. Baronet, divided into different schools. The first of these advocated peasant cultivation; the second, a mysterious school quite unknown to me, held the doctrine that the profits of the farmers were to be guaranteed by the State; and with regard to the third, the hon. Baronet, in the extreme excitement with which he had described the second, forgot to favour the House with any information. I have no doubt, however, that by a reference to the review or magazine from which the hon. Baronet read I shall be able to refresh my memory. We have had from one or two hon. Gentlemen opposite—and in particular from the hon. Member for Rochester (Mr. Goldsmid), who only followed the observations which had been made before, a great deal of invective against the draftsman who drew this Bill. The gentleman who drew the Bill seems, in the view of some hon. Members, to have been a most remarkable man. He seems, in their view, to have been instructed to draw a Bill upon a most difficult subject with no further instruction than this, merely—that the Bill must be drawn; and the result of that has been also in the view of the hon. Gentlemen opposite, a mea-

sure filled with incongruities, crudities, and blunders. As a matter of fact, the gentlemen who draw Bills are men of high education and great ability, who deserve and possess the entire confidence of the Government, and whose duty it is skilfully, technically and legally, to embody in Bills the instructions they receive from the Government. To suppose that the Government instructed a draftsman to draw this Bill without giving him full details is to suppose a state of things under which the course of human business could not be sustained for four-and-twenty hours. The utmost experience and skill have been at the disposal of the draftsman of this Bill; the most skilful possessors, managers, and cultivators of land in the country have been consulted with in regard to its details; and, indeed, if any other course had been taken, it might have been said of us that we were deficient in the ordinary prudence of human beings. To say, therefore, that any of the features of this Bill are due to the fact that it is the work of an uninstructed draftsman is to say that which, if not an absurdity, is at any rate an erratic conclusion which will not be favoured by the House of Commons. I have endeavoured to touch upon some of the points which have been raised in this unexpected discussion, and, having done so, what I want to impress upon the House is that they should remember what they have done with regard to this Bill, and supposing that they are prepared to stand by the conclusion at which they have arrived, to adjure them to proceed to the next and longer step. I presume the House is in favour of the principle of the Bill. I presume that a large majority of the House is in favour of it. I draw that conclusion from the speech of the right hon. Gentleman the Member for Sandwich, and the manner in which it was received, notwithstanding his reluctance to challenge the House. I think it was freely acknowledged on both sides of the House that the principle of the Bill was accepted, and that that principle was that the principle of free contract should be maintained. The Amendment of the hon. Gentleman opposite (Mr. J. W. Barclay) is an Amendment against freedom of contract, and unless he is prepared to challenge the House on the subject, I regret that at a time like this, when

every day is precious, we should occupy the time of the House in a manner which I cannot see is of advantage to the public interest. If hon. Gentlemen opposite will frankly tell us that they repel the conclusion at which we have arrived—that there either ought to be no legislation, or, if legislation, it should be founded on a compulsory principle—I should regret the course they take, but should be grateful for their candour and be ready to meet them. But if they believe that this is a Bill which ought to be examined in Committee, let them alter or improve it if they can, and let them meet us in fair discussion on all its details. I hope they will not allow the debate to proceed further, but at once assent to the Motion for going into Committee.

SIR WILLIAM HARCOURT said, he did not think the right hon. Gentleman at the head of the Government had any reason to complain of hon. Gentlemen on that side of the House having unduly protracted the discussion, for there had been a general feeling on both sides that there should be some discussion upon the principles of the Bill. He did not recollect that when the Irish land question was under discussion hon. Gentlemen opposite thought that a single night was sufficient, and amidst the mass of Amendments which had been placed upon the Paper he thought there were indications that hon. Members had but little made up their minds as to what the Bill was intended or ought to do. There was the more reason for discussion at the present moment because the right hon. Gentleman had not given to the House that assistance which it might have expected in ascertaining the objects of the Bill. He had stated that the principle of the Bill was the maintenance of freedom of contract. But that was not the question. There was a preliminary one—Why was such a Bill necessary, and why had the Government introduced it? He (Sir William Harcourt) was as far as ever from knowing what the Government desired the Bill to do. He had been in the habit of believing that the relations between landlord and tenant were satisfactory. He had heard so from hon. Members on both sides of the House, and the right hon. Gentleman himself had drawn pictures of rural felicity and Arcadian contentment. But



all at once a thunderbolt descended out of the serene sky, and a Tory Government thought it necessary to introduce, and enforce with the persistence which the right hon. Gentleman had expressed that night, a Bill to redress the glaring injustice of the relations between landlord and tenant. Well, that was a remarkable proceeding, and one which required a little explanation. His noble Friend the Member for Haddingtonshire (Lord Elcho) had denounced what he called the food of the people argument, but it was upon that argument that the Bill at its introduction was mainly based, and the noble Duke who introduced it took a wide, sensible, intelligent, and statesmanlike view, and declared that it was of the last moment to the country that the producing power of the agricultural districts should be brought to such a pitch as to meet, as far as possible, the requirements of the millions of the population of this country. It was upon that principle that it was settled in the House of Lords. In 1873 they had a solemn and well-considered Report of the House of Lords, the first paragraph of which set forth the evidence from which the conclusion was drawn that only one-fifth part of the land of England had been improved as it might and ought to be. He might have supposed that the Bill was introduced in conformity with that statement. A remarkable thing had occurred which he had never recollected to have occurred before in a Bill of this importance. After being settled in the House of Lords and sent down, the most important principle which the Bill contained was withdrawn before its second reading in that House. Six Members of the Cabinet in the House of Lords recommended one Bill and settled it upon one principle, and six of their Colleagues in the Cabinet declined to recommend it to the acceptance of the House of Commons. The letting value, which was to be the basis of compensation in the Bill, was withdrawn, and the present was the first opportunity of discussing it upon its new and different principles of compensation. That principle of letting value went to the whole root of the Bill, for without it the farmer engaged in an enterprize in which he might lose all, but in which he could gain nothing but what he had expended. In his first speech the Prime Minister had not allu-

ded to the "food of the people" argument, though he had accepted the doctrine. In introducing the Bill he gave an interesting historical retrospect of the question, which seemed to partake somewhat of the nature of an apology, and which was probably made because he thought it essential that he should explain to his Party why it became necessary for him to interfere between landlord and tenant with a measure of something like Radical Reform. He pronounced a strong eulogium on the late Mr. Pusey; but it appeared to him (Sir William Harcourt) that it seemed to possess that melancholy cadence which partook of the accents of posthumous remorse. When he remembered the political fate of that hon. Gentleman, he was reminded of the lines—

"See nations slowly wise, and meanly just,  
To buried merit raise the tardy bust."

Mr. Pusey laboured for years to enforce the principles of a measure which the right hon. Gentleman the other night pronounced to be a perfectly salutary and great measure. He failed, however, and why? Because the great body of the country gentlemen did not sympathize in his views. And yet the right hon. Gentleman was going to pass the Bill without even allowing a discussion. Thirty years had elapsed. The old generation of farmers had passed away. They had lost the benefit of that measure which was so just and salutary, and no panegyric of the right hon. Gentleman would compensate that generation of farmers. They lost the benefit of that measure, because the great body of the country gentlemen did not sympathize with those views, and now when the right hon. Gentleman based his measure on the panegyric of Mr. Pusey, it might be said—"Ye have stoned the prophets, and now ye build them sepulchres." The right hon. Gentleman had told them how it came to pass that the Bill had been proposed by a victorious Conservative Government. He said that it was the philosophers and economists who had done it all. It was they who apparently had induced that Conservative Government and the great body of the country gentlemen to support a measure which they had refused at the hands of the late Mr. Pusey. Hon. Gentlemen opposite were not in the habit of being so strongly disposed to—

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wards philosophers and economists. He had understood that they rather disclaimed the opinions of philosophers, and certainly that they did not embrace their theory of economy. Yet it was these malignant beings who had formed that public opinion which had induced the Government to introduce the Bill. There was, however, another cause which had led to this change, and that was, as the noble Lord the Member for Haddingtonshire (Lord Elcho) had told them, the passing of the Irish Land Act. The noble Lord complained of that; but he (Sir William Harcourt) was very glad that it should go forth to the farmers of England that the Irish Land Bill had in part secured to them that measure of justice which the Government said they ought to have, which Mr. Pusey 30 years ago advocated, but which for 30 years they had not had, because the great body of the country gentlemen did not sympathize with those views. That was the history of the Bill, as given by the right hon. Gentleman; and now as to its object. The right hon. Gentleman told them upon the second reading that the Bill was to remove an abuse in the hierarchy of the land. He gave credit for that phrase to the lamented Mr. Pusey, but it was so remarkable a phrase that it seemed to bear the mint mark of the genius of the right hon. Gentleman himself. Now, the right hon. Gentleman was not in the habit of using words without meaning, and consequently the word "hierarchy" conveyed a very definite meaning of the manner in which the Bill was regarded. What was a "hierarchy?" It was a privileged class, a class consisting of various grades, which were set apart from the rest of the nation for special objects. If they were to deal with this question as one of "hierarchy," he must say that there had been throughout the discussion a remarkable silence as to one grade of that hierarchy, and that not the least important, the grade of the agricultural labourer. The right hon. Gentleman spoke of the other grades of the hierarchy, and said the object of the Bill was to protect the owners of the soil, to place them in a stronger position, as well as to place the occupiers in a juster position. Now, each of these adjectives was singular and appropriate; but there was nothing about the third member of the hierarchy, and it was

remarkable that small farms of five acres were exempted from the Bill. Yet the labourer was as much interested as anybody in the capital invested in the soil, for it was the fund from which his wages were paid. But the real question was whether they were to regard this as a question of hierarchy or as a national question? If it were a mere question of hierarchy, then the landlords and tenants might arrange it as they pleased between themselves; but if it was a national question, then all classes in the community were interested in it, and might discuss it together. They were told in "another place" that the Bill was to secure to the farmer compensation for the capital which he might invest in the land, and so remedy an injustice; but such an injustice the farmers could discover for themselves without the aid of philosophers or economists. When they were considering the interests of the tenant farmers, it must be noticed as a remarkable circumstance that there was one hon. Member who was conspicuous by his absence in these debates—the one tenant farmer in the House, and he a Member of the Government (Mr. Clare Read). Considering the fact that hon. Members had always been in the habit of listening to anything he might say on this subject with the greatest attention, it was a remarkable thing that he had not risen on behalf of the tenant farmers to say that they were satisfied with the Bill. Until he did so, the First Lord of the Admiralty might reserve the taunts in which he had indulged on the subject of the Suffolk election. The measure had not been forced upon the Government, as the Prime Minister had intimated, by philosophers and economists, but by Farmers' Clubs and Chambers of Agriculture, which had been denounced by the noble Lord the Member for Haddingtonshire.

LORD ELCHO denied he had denounced them. What he had said was that those who took a political part in those institutions did not represent the opinions of the farmers.

SIR WILLIAM HARCOURT wished, then, to know, if those clubs did not represent the opinions of the farmers, why hon. Gentlemen opposite took such pains to have them established? That was a point he would leave them to settle with the clubs themselves. The

Government were in this dilemma. Either this was a matter in which Parliament had nothing to do, and on which there ought to be no Bill, or it was a matter with which Parliament had to do, and with which it ought to deal effectually. A middle course on the subject was only what his noble Friend had called "meddling and muddling." The Bill was merely a dissertation on unexhausted improvements—a sort of moral essay on the whole duty of landlords—and was useless, unless something was done to give practical effect to the principles which it enunciated. It was said that you must not interfere with the sacred privileges of contract, and he was not fond of doing that; but he had heard of a great many things called sacred principles which covered a great many absurdities, and he would advise the noble Lord not to use it here in reference to private contracts which he violated himself whenever his doing so did not affect his own interests. [Lord Elcho: Name, name!] The noble Lord asked him to name where he had violated the sacred principle of private contract. He had done so in the Mines Regulation Act, and in the Truck Act, and he could furnish him with other instances. It was forbidden by law to landlords and tenants to make contracts for the payment of the income tax. But the right hon. Gentleman was mistaken in thinking that this Bill secured the sacred principle of freedom of contract. Yearly tenancies were continuous contracts; but the Bill, when passed, would compel everybody to accept its terms; or, if not, they must make a new contract. Therefore, to say that the Bill maintained the sacred principle of freedom of contract was quite to mistake its character. Its great evil was that it altered all existing arrangements, and would make a great disturbance all over the country. Practically, it abolished yearly tenancy, as with yearly notice that notice must be given at the same time as the tenancy began. But they might say—"We will contract ourselves out of the Bill." If so, of what use was the Bill? What would the farmers get by it? The right hon. Gentleman said—"We do not look to legal compulsion by this Bill, but to the moral pressure it will have." He also said—"The object of the Bill was to establish an universal custom, and make it as difficult

to contract out of it as to contract out of the custom." In Lincolnshire—as the hon. Member opposite (Mr. Chaplin) could tell them—it would be practically impossible to contract out of the custom; not legally impossible, of course, but virtually, as no landlord could say to a tenant—"I will let you the farm; but I bar the custom." Then the object of the Bill was to put all the landlords of England into that position. By the admission of the right hon. Gentleman (Mr. Hunt) what was meant was virtual compulsion, and the Bill, in his (Sir William Harcourt's) opinion, was only valuable so far as it was compulsory. The compensation clauses certainly would either work as compulsory clauses, or, if not, they would, by future legislation, be made compulsory. He could not help thinking that if the Common Law were interpreted now-a-days as it was expounded by those great lawyers (Blackstone and Coke), there would be no necessity for legislation to secure the tenant right of the cultivators of the soil. There was another portion of the Bill which he regarded as of the utmost importance; and, in saying that, he referred to the power it gave to charge the inheritance. He had always felt that the greatest evils, both to the occupiers and owners of land and the labourers, were the laws of entail and of settlement. The Lords Committee which sat in 1873 recommended certain alterations in those laws, but the Bill made a great breach in the barricade of settlement and entail when it gave the County Court Judges power to set aside settlements so far as compensation under the Bill was concerned. And there was this remarkable feature in the Bill. If a landowner had two tenants, and had to pay to one £500 as compensation for improvements, and to receive from the other £500 for waste, he could charge the former sum upon the inheritance, but no security was taken that the latter sum should be spent on the estate. So that both ways it operated against the inheritance. Besides that, the Bill did away with the law of entail and inheritance so far as restrictions on improvements were concerned. In fact, it practically gave to the tenant for life, power to deal with the estate in regard to improvements as if he were the owner in fee. If for nothing else in the Bill, these provisions would induce him to support

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it. He welcomed the Bill, not because it was directly compulsory, but because it would—in the words of the right hon. Gentleman—be “as difficult to contract out of it as out of custom.” He agreed with his noble Friend (Lord Elcho) that it laid down principles which would have their consequences in the future, and he received it not for what it actually achieved—which was very little—but for what it involved, which was very much. He supported it not for what it performed, but for what it promised. He should vote for it because he looked at it as the beginning of a new system; not hierarchical but national, and because it shook to its foundation the ancient edifice of entail, and cleared the way for a speedy and certain reform of the laws affecting land.

LORD ELCHO, in explanation, denied the statement of the hon. and learned Gentleman the Member for the City of Oxford (Sir William Harcourt) that he (Lord Elcho) had supported other measures which were levelled against freedom of contract. What he said was, that the legislation to which he alluded only interfered with freedom of contract in the cases of women, children, and lunatics, and on questions of health and life.

MR. CHAPLIN said, the hon. and learned Member for the City of Oxford was entirely in the wrong in supposing that it was practically impossible for any landlord to contract himself out of the custom of Lincolnshire. The hon. and learned Gentleman might, perhaps, be surprised to learn that he (Mr. Chaplin) had contracted himself out of that custom. But the effect of the custom, which was permissive, was precisely what he believed the effect of this Bill would be. He had heard no valid reason why, if the whole presumption of law was reversed in favour of the tenants, they should sign agreements which would deprive them of the material benefits which the Bill conferred.

MR. KNATCHBULL-HUGESSEN protested against the language of the noble Lord the Member for Haddingtonshire. He had characterized previous legislation on this subject as “Jack Cade” legislation, and the present attempt at legislation as “Dick Turpin” legislation. Now, it was to be borne in mind that Dick Turpin was a person who robbed upon the highway and took purses by

means of a celebrated black mare. He hoped the noble Lord did not intend to compare the right hon. Gentleman at the head of the Government to that animal. He begged to call the attention of farmers to the fact that it was from the Conservative side of the House that the Dick Turpin simile came, and that it was applied to a Bill which was supposed to benefit the tenants.

MR. BENTINCK said, that his noble Friend the Member for Haddingtonshire had asked him to explain that he (Lord Elcho) had been misunderstood. He had not applied the phrase “Dick Turpin” legislation to the Bill before the House. He had applied it to language made use of on a former occasion in Dublin in respect to Irish land, which language had been endorsed by the late Government. Passing from that, he (Mr. Bentinck) would go on to say that the right hon. Member for Buckinghamshire had asserted that the principle of the Bill had been assented to by the House. That he did not deny; but he should like to know what was its principle? Up to the present time there had been no explanation of it. His objection to the Bill was, that it really had no principle. Again, the right hon. Gentleman said the Bill upheld freedom of contract. But where was the use of that when they had it already? The truth was, there was no need whatever for the Bill. He asked the House to pause before sanctioning a measure which would simply lead to agitation and a re-valuation of lands, without yielding any adequate compensation whatsoever.

Question put, “That the words proposed to be left out stand part of the Question.”

The House *divided*:—Ayes 303; Noes 76: Majority 227.

Main Question proposed, “That Mr. Speaker do now leave the Chair.”

MR. DODSON said, he hoped, if the Motion were agreed to, as he presumed it would be, it would be on the distinct understanding that it would only be *pro forma*, and that the Chairman would at once report Progress.

MR. HUNT said, the right hon. Gentleman gave no reasons for this suggestion, and he hoped the House would not agree to it. That was an hour at which



it was not unusual to proceed with a Bill which had arrived at this stage.

Mr. MONK said, the first Amendment would lead to a lengthened discussion as it involved principles of importance, and it would be an unusual course to commence it at such an hour.

Mr. GOURLEY moved the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."—*(Mr. Gourley).*

Mr. DISRAELI hoped for the sake of Public Business—he did not like to say for the sake of the character of the House—that the hon. Member would not proceed with the Motion. They did not for a moment contemplate going into any controversial matters in Committee, and he hoped the hon. Member would not insist upon a Motion which he must say was rather of a vexatious character.

Mr. DODSON said, he made the suggestion he did in the belief that if the Government acquiesced there would be no opposition; but as he had been challenged by the right hon. Gentleman the First Lord of the Admiralty to give reasons for his suggestion, he would do so. One was the hour of the night; another was the extraordinary position the House was placed in by the course adopted by the Prime Minister. The little discussion the Bill had received in the Lords was a reason why it should be more thoroughly discussed in this House, in which small estates and small farmers were supposed to be represented.

Mr. HUNT said, the intention of the Government was that Progress should be reported on the first Amendment being reached.

Mr. DODSON repeated what he had said, that considering the importance of the subject, the House should not be called upon at so late an hour to do more than go into Committee on the Bill *pro formâ*, on the understanding that Progress would be reported immediately.

Question put.

The House divided:—Ayes 96; Noes 255: Majority 159.

Main Question again proposed.

Mr. MORGAN LLOYD moved the adjournment of the debate.

Motion made, and Question proposed. "That the Debate be now adjourned."—*(Mr. Morgan Lloyd.)*

*Mr. Hunt*

Mr. DISRAELI said, that upon the Main Question the Government had taken two divisions, in which he thought they had shown some strength. If, however, it was the determination of the opponents of the Bill to prevent further progress, he would, if the Motion was withdrawn, accept the proposal of the right hon. Gentleman opposite (Mr. Dodson) and consent to the Committee being gone into *pro formâ* and Progress being immediately reported. He hoped that would meet the views of the noble Lord and his Friends.

THE MARQUESS OF HARTINGTON said, he was glad that the Prime Minister had assented to his right hon. Friend's proposal, which appeared to him a thoroughly reasonable one. The first question which would arise when they got into Committee would be that the Preamble be postponed, which would give hon. Members an opportunity of raising questions on the general scope of the Bill, and he could not help thinking that such an opportunity ought to be afforded, and also that the House might hear what was to be said in defence of the proposals of the Government. He was, therefore, glad that the right hon. Gentleman had acceded to the proposal of his right hon. Friend.

Motion, by leave, *withdrawn*.

Main Question, "That Mr. Speaker do now leave the Chair," put, and *agreed to*.

Bill considered in Committee.

*(In the Committee.)*

Mr. DISRAELI moved that the Chairman report Progress, and ask leave to sit again.

Motion *agreed to*.

House resumed.

Committee report Progress; to sit again on Thursday.

#### MILITIA LAWS CONSOLIDATION AND AMENDMENT (re-committed) BILL.

*(Mr. Secretary Hardy, The Judge Advocate, Mr. Stanley)*

[BILL 202.] COMMITTEE.

[Progress 12th July.]

Bill considered in Committee.

*(In the Committee.)*

Clause 32 (Enlistment of men to serve for six years).

COLONEL DYOTT, in moving, as an Amendment, in page 11, line 13, to leave out "six," and insert "five," said, it was desirable to keep up the complement of the Militia; but while they were, under the former system, called upon to serve practically only four years out of five for which they were enlisted, they would now by this Bill be called upon to enlist for six years for the same bounty which they received under the former system. In other words, they would be now called upon to serve five and a-half years of the six before they could be re-attested; and the consequence was, that many of them would refuse to be re-attested. He found when he commanded a Militia regiment that they always obtained their full complement of men; but it would not be so under this Bill. The hon. and gallant Member concluded by moving the Amendment.

CAPTAIN HAYTER seconded the Amendment.

MR. GATHORNE HARDY quite agreed with the hon. and gallant Mover and Seconder of the Amendment that there was reason for dissatisfaction on the subject; but it was all owing to the change that had been made in the old system. The reason that six years were adopted in the Bill was to assimilate the service of the Militia to that of the regiments of the Line, whose term of enlistment now was six years. He hoped his hon. and gallant Friend would not press his Amendment proposing to reduce the term from six years to five years, and he hoped that in the next year the Militia would be placed on a more satisfactory footing.

COLONEL BRISE expressed himself satisfied with the explanation of the right hon. Gentleman, and hoped his hon. and gallant Friend would not press his Amendment.

SIR HENRY HAVELOCK also hoped that the Amendment would not be pressed to a division after what had been said by the Secretary of State for War.

MR. CAMPBELL - BANNERMAN expressed himself in favour of the term of six years in preference to five.

Amendment *negatived*.

Clause *agreed to*.

Clauses 33 to 35, inclusive, *agreed to*.

Clause 36 (Training of Militia recruits).

MR. SULLIVAN moved that the Chairman report Progress and ask leave to sit again.

MR. GATHORNE HARDY opposed the Motion.

CAPTAIN NOLAN said, he would assent to the Bill being proceeded with if the Government would promise not to take any of the Irish Bills on the Paper at that Sitting.

SIR MICHAEL HICKS - BEACH said, that no opposed Bill would be taken.

MR. BUTT said, he would advise his hon. Friend to withdraw his Motion to report Progress, if the right hon. Baronet would consider all Irish Bills to be opposed.

Motion, by leave, *withdrawn*.

Clause *agreed to*.

Clauses 37 to 49, inclusive, *agreed to*.

House *resumed*.

Committee report Progress; to sit again upon *Thursday*.

House adjourned at half after  
Two o'clock.

## HOUSE OF LORDS,

*Tuesday, 20th July, 1875.*

MINUTES.]—PUBLIC BILLS—*First Reading*—Public Works Loans (Money)\* (213); Entail Amendment (Scotland)\* (214).  
*Second Reading*—Police Constables (Scotland)\* (199); Police (Expenses)\* (207); Copyright of Designs\* (211).  
*Report*—Friendly Societies (208-215).  
*Third Reading*—National Debt (Sinking Fund)\* (178), and *passed*.

## POLICE CONSTABLES (SCOTLAND) BILL.

(*The Lord Steward.*)

(NO. 199.) SECOND READING.

Order of the Day for the Second Reading, read.

EARL BEAUCHAMP, in moving that the Bill be now read the second time, said, that a practice had grown up in the counties of Perth and Renfrew, where the properties were very large, for the landlords to appoint persons to protect the game, who were sworn in as special constables, and as such had all the rights and duties which police constables had. This was



done under an Act of 1617. The custom had, however, fallen into desuetude until the passing of the Act for the better protection of game in 1862. These gamekeeper constables were not under the control of the chief constables, and the Committee of the House of Commons, which sat upon the Game Laws, reported, amongst other things, that it was expedient that the power of appointing such constables should cease to exist. In that view the Government concurred, and this Bill—which had come up from the Commons—had been introduced for the purpose of putting an end to the anomaly.

*Moved, "That the Bill be now read 2<sup>d</sup>."*  
—(*The Lord Steward.*)

LORD BLANTYRE, in moving that the Bill be read a second time this day three months, contended that it was altogether unnecessary, and that it was expedient for the protection of property and prevention of outrages that there should exist such a power of appointment of special constables as existed under the Act of 1617. The present Bill really did not deserve a place on the Statute Book; it was exceptional as to the persons to whom it referred, and applied only to Scotland. The Act for the prevention of Poaching, passed in 1862, made it lawful for any constable or peace officer in any county in Great Britain and Ireland in any highway or public place to search any person whom he might have good cause to suspect of coming from any land where he had been poaching, and to seize and detain game, guns, nets, &c., found upon him, and to cite him before two justices of the peace in England and Ireland and the Sheriff in Scotland. The effect of the present Bill would be to leave the Act of 1862 intact with respect to England and Ireland, but would militate against it in Scotland. "Any constable or peace officer" would not be able to enforce the Act, because the men made constables under the Act of 1617 were to be precluded from so doing, although they would continue to deal with vagrants, thieves, murderers, and criminals generally; and the one thing they would not be able to do under this Act, if it passed, was to search poachers on the highway. In some parts of Scotland—Renfrewshire and Perthshire more particularly, where the highways were very

numerous, and there were very few regular police—it had been found very useful to make a few local constables. In Renfrewshire 25 had been made since 1863, of which number eight remained at present. One chief constable had for the last 12 years been in favour of this practice, which had been productive of a great deal of good. Her Majesty's Government apparently wished to gain popularity with those who were opposed to the Game Laws, but did so without offering them any substantial benefit. Whatever tenant farmers might think about the game, they objected strongly to poachers. Poachers were trespassers, and the farmers liked their stock and crops to be undisturbed. On his own outlying property, where the game was not preserved, he had been asked by the tenants to let the game to some one person, who would have the whole interest of keeping off poachers, who made no end of mischief on their farms.

*Amendment moved, to leave out ("now") and at the end of the Motion to add ("this day three months.")*—(*The Lord Blantyre.*)

THE DUKE OF BUCCLEUCH supported the Amendment. He considered the existing Act, which it was proposed to repeal, a most useful one, and he could not understand the object of the Bill, unless it had been drawn up by the agent of some professional poacher. It was well known that the men who had been appointed hitherto had been useful in apprehending criminals, and in the preservation of the peace generally, and he saw no reason whatever for depriving them of the power which they now possessed by virtue of their being appointed constables. In his view of the matter, it would have been much better if this Bill had not been brought in at all. It had been brought in at the *fat* end of the Session, when there was no time for its consideration, and when they were burdened with other business, the progress of which was naturally interfered with.

THE EARL OF AIRLIE hoped the House would not be asked to divide on the Bill, which had passed the other House. Some persons might ask why the Act of 1617 should not be repealed; but that was a much wider question.

THE DUKE OF RICHMOND observed that the noble Duke (the Duke of



Buccleuch) had said that this Bill was brought in at the fag end of the Session, and therefore ought not to pass; but it would be absurd to suppose that their Lordships had not sufficient strength left to pass, through all its stages, a Bill consisting of one clause. The real question was, whether there should be any class of constables not under the control of the chief constable. His noble Friend (the Duke of Buccleuch) said that the Bill appeared to have been drawn up by a professional poacher. Had his noble Friend ever seen the Lord Advocate, and did the learned Gentleman look like a professional poacher? His noble Friend appeared to ignore the recommendations of the Select Committee on the Game Laws. His noble Friend had said that the Act of 1617 was a most useful one with reference to the preservation of game. If it was most useful in that respect, why was it that only two counties in Scotland availed themselves of its provisions? He (the Duke of Richmond) was of opinion that, with reference to the preservation of game, these constables should be under the superintendence of the chief constable of the county, and therefore he hoped their Lordships would give a second reading to the Bill.

LORD ABERDARE was of opinion that the Bill did not go far enough, and would not effect the object in view. The real question was, whether ordinary policemen should be employed to protect game in Scotland. The Act of 1617 enabled constables to be appointed for a variety of purposes; whilst the present Bill said that no constable should in future be appointed to assist the ordinary constables in the protection of game or for other purposes. He thought that this was a most imperfect way of enacting that constables should not be gamekeepers.

EARL GREY said, that was not the time to discuss the question whether the Game Laws were good or bad, but as long as those laws were in existence power ought to be freely given to enforce them. Nothing could be more mischievous than to keep a law in force, and yet allow it to be broken with impunity. He could easily understand that it might not be desirable to appoint constables with the special view of protecting game; but if persons employed to protect game were also sworn in as

constables, the powers so conferred upon them would assist in the preservation of the peace. It was not to be tolerated that the contests between gamekeepers and poachers should be decided by the mere exercise of physical force. He did not understand on what principle constables should be appointed as heretofore, but should be deprived of one particular power.

THE LORD CHANCELLOR observed that it would be quite competent for those noble Lords who objected that the Bill did not go far enough, to propose Amendments in Committee for the purpose of making it go further. The Bill, in its present form, pursued the unanimous recommendation of the Select Committee of the other House, which disapproved of giving the powers of constables to persons who were really employed to protect game.

On Question, That ("now") stand part of the Motion? *Resolved* in the Affirmative.

Bill read 2<sup>d</sup> accordingly; and committed to a Committee of the Whole House on Thursday next.

#### FRIENDLY SOCIETIES BILL.

(Nos. 208-215.)

(The Lord Steward.)

#### REPORT OF THE AMENDMENTS.

Amendments reported (according to Order).

Clause 14 (Duties and obligations of Societies).

THE EARL OF MORLEY moved an Amendment, after ("society") insert—"as audited"); in line 36, leave out ("and") to ("audited") and insert—

("And such annual return shall state whether the audit has been conducted by a public auditor appointed as in this Act provided, and by whom; and, if by any person or persons other than a public auditor, shall state the name, address, and calling or profession of each of such persons, and the manner in which and the authority under which they were respectively appointed.

"If it shall appear to the registrar that the annual return so audited is imperfect or unsatisfactory, he may, if he thinks fit, submit the account of the society for audit to a public auditor appointed as in this Act provided.")

EARL BEAUCHAMP said, he could not accept the Amendment, for the reason that it would have the effect of throwing upon the auditor the whole responsibility of the audit and management of the Friendly Societies' accounts. All the

Government could do was, to take care that the utmost publicity should be given to the affairs of a Society, but it could not interfere in a matter which properly belonged to the working members in each case. It would also create great dissatisfaction if there were a Government audit in some cases and not in others.

Amendment (by leave of the Committee) *withdrawn*.

Clause 28 (Payments on death of children).

THE EARL OF ROSEBURY moved, in page 31, line 1, after ("parent") to insert—

("Preference being given to a grandparent, uncle, aunt, or other relative, who has stood in 'loco parentis' to the child.")

Amendment *moved*, in page 31, line 1, after ("parent") to insert—

("Preference being given to a grandparent, uncle, aunt, or other relative, who has stood in 'loco parentis' to the child.")

EARL BEAUCHAMP objected to the Amendment on the ground that it would tend to introduce confusion into the law.

On Question? Their Lordships *divided*:—Contents 28; Not-Contents 50: Majority 22.

*Resolved in the Negative.*

Amendments made; Bill to be read 3<sup>d</sup> on *Thursday* next, and to be *printed*, as amended. (No. 215.)

#### METROPOLIS—RE-VALUATION— RATING BY WATER COMPANIES.

##### QUESTION. OBSERVATIONS.

THE EARL OF CAMPERDOWN asked whether it is intended, on each successive re-valuation of the Metropolis for parochial purposes, to confer upon the Metropolitan Water Companies additional rating powers without reference to the water supply; and, if not, also how it is proposed to prevent such powers accruing to the water companies under the re-valuation which will come into force in April, 1876? The noble Earl said, this was a question of great importance in relation to the supply of water to the metropolis. Under the provisions of the Act of 1869—commonly called Mr. Goschen's Act—there was every five years a re-valuation of the property of the metropolis for local and Im-

perial purposes. The first valuation under the Act came into force in April, 1871, and the next, which was now undergoing revision and arrangement, would come into operation on the 5th April, 1876. Now, in so far as the parochial and Imperial taxation were concerned, if all owners and occupiers in the metropolis were placed on the same basis respectively, it could make no difference to anyone in particular; but as regarded the question of the Water Companies, it was entirely different, as their rates were not contemplated by the Act of 1869. The Water Companies based their system of rating upon the "annual value" of the houses—and these words they sought to construe—whether legally or not he did not know—as the "gross annual value;" whereas the rating of the vestries was the annual value after deductions, or "the annual rateable value." The practical consequence was that the householders of the metropolis were rated for their water supply on a different basis from that on which they were rated for local and Imperial purposes, and the Water Companies obtained a much larger sum as rates, than, on the other supposition, they were entitled to. In consequence of the great increase in the gross annual value under the re-valuation of 1871, the basis of the water rates was very largely increased, though the companies supplied the same article and the same quantity, and if nothing should be done before next year the water rates would be again increased, and by those means the profits of the companies would be largely augmented. He therefore desired to know whether the Government intended to take any steps to prevent the Water Companies from increasing their charges, merely on the ground of an increased valuation of property.

THE DUKE OF RICHMOND: The rating powers which the Metropolitan Water Companies possess are conferred by their private or local Acts, and generally speaking they are limited to a rate not exceeding 10 per cent on the annual value of the property supplied by them with water. The question as to what constitutes annual value is one for determination by the Justices. The Acts do not define whether it is "gross rental" or "rateable value." In a very recent case before the Common Pleas the New River Company claimed to base

*Earl Beauchamp*

their rate upon the annual value as determined by the valuation lists; but the Court declined to express any opinion upon that point, and decided against the Company on another ground. It is not intended by the Government to confer any additional powers of rating on the Metropolitan Water Companies; and even supposing that the water rates could be held to be regulated by the valuation lists, it is impossible to say, before those lists are finally approved and come into force, whether the value of the house property in the metropolis will be generally raised or not so as to affect the water rates.

THE EARL OF CAMPERDOWN submitted that the power to make the additional rating, as he had pointed out, would accrue to Water Companies unless something should be done by Parliament, and it would be too late to wait until next year.

LORD ABERDARE said, that so far as the re-valuation of property raised all persons alike for parochial and Imperial purposes, none were placed in a worse position than others; but the Water Companies increased their rates and charges according to the increased valuation, although they supplied neither more nor better water. All persons knew that property in London was increasing in value, and no sooner did the re-assessment show that to be the case than up went the water rates. Some limit ought to be put upon the Companies.

EARL GREY said, that this was a matter of very great importance to occupiers, and that, unless something should be done, great injustice would be inflicted by the Water Companies upon those whom they supplied with water. He contended that the supply of water should be taken out of the hands of the Companies and transferred to some public authorities.

THE MARQUESS OF SALISBURY pointed out that rents and rates increased as other things increased, and that in all probability the outlay of the Companies being greater, the additional income they received was not an unmixed advantage to them. At the same time, it might, no doubt, be necessary for Parliament to interfere if it appeared that the rates were raised in a manner which had not been contemplated. As to taking the supply out of the hands of

the Companies, such a policy at the present day would be Utopian; but it was to be regretted that our forefathers had not shown more wisdom in the matter.

THE EARL OF KIMBERLEY observed that the object of the Metropolis Valuation Act had been to make the valuations fairer and not to increase there rates.

House adjourned at Seven o'clock,  
to Thursday next,  
Eleven o'clock.

## HOUSE OF COMMONS,

Tuesday, 20th July, 1875.

MINUTES.]—PUBLIC BILLS—*Committee*—Agricultural Holdings (England) (*re-comm.*) [222]—R.P.

*Committee—Report*—Chelsea Bridge \* [249].

*Considered as amended*—Conspiracy and Protection of Property [260]; Lunatic Asylums (Ireland) \* [189].

*Third Reading*—Employers and Workmen \* [203]; Elementary Education Provisional Order Confirmation (London) (No. 2) \* [239]; Local Government Board's Poor Law Provisional Orders Confirmation (Oxford, &c.) \* [240]; Gas and Water Orders Confirmation \* [228]; Washington Treaty (Claims Distribution) \* [218]; County Surveyors Superannuation (Ireland) \* [65], and *passed*.

The House met at Two of the clock.

### EDUCATION DEPARTMENT—ELEMENTARY SCHOOLS—PAYMENT OF GRANTS.—QUESTION.

LORD FRANCIS HERVEY asked the Vice President of the Council, For what reason payment of the annual Grants to Elementary Schools is ordinarily two months in arrear of inspection?

VISCOUNT SANDON: Sir, the payments of schools of course depend upon the manager's yearly returns, the Inspectors' Reports, and the examination of these returns and Reports in the Education Office. The chief cause of delay rests with the managers, many of whose returns are not ready on the day of inspection, and as a matter of fact about 50 per cent of these returns have to be sent back by the Department for completion and correction by the managers before they can be acted upon. It must also be remembered that the Inspectors work in schools for five days in



the week, and have only Saturdays for making up the Reports on their week's work, and for their correspondence with the managers and the Department, Considering these circumstances, as well as the great care which is needed in the examination, at the Department, of the details and minute particulars upon which these Grants depend, I do not think that the interval, which at present averages about six weeks between the inspection and the payment of the Grant can be considered excessive. I need hardly assure my noble Friend that we are always endeavouring to reduce the interval between the inspection and the payment so as to meet the convenience of the schools.

#### EDUCATION DEPARTMENT—BRISTOL SCHOOL BOARD.—QUESTION.

MR. WAIT asked the Vice President of the Council, If it be true that the Education Department has ordered the School Board for Bristol to give up the Elementary School established in St. James's Back in that city; and, if so, under what circumstances a school especially adapted for the most neglected class of children has been abandoned?

VISCOUNT SANDON: Sir, I beg to say, in answer to the Question of my hon. Friend, that it is not true that the Department has ordered the school board of Bristol to give up the elementary school established in St. James Back specially for ragged children. On the 17th of last December the clerk of the school board wrote to the Department as follows:—

"That the school will cease to be a board school on the 23rd instant, as the premises are about to be very much interfered with, and, indeed, rendered quite unsuitable for a public elementary school by street improvements:"

and we have heard nothing more as to the closing of the school since that date.

#### COAL MINES REGULATION ACT—THE GORNEL WOOD ACCIDENT.

##### QUESTION.

MR. SHERIDAN asked the Secretary of State for the Home Department, Whether his attention has been drawn to the accident which happened at the coal-pit known as Gornel Wood on the 3rd February 1872, at which pit it is alleged that after the part known as Crowns End fell in men were sent to

work, and a man named Eli Jones was drowned, and four others escaped with great difficulty; whether, in the report of the mines inspector, any negligence was attributed to the manager in sending the men to work under such circumstances; and, whether the mines inspector, or any officer under the Government, has now power to control such matters, and prevent men being set to work in pits where there is manifest danger to life?

MR. ASSHETON CROSS in reply, said, that his attention had not been called to the accident in question until he had seen the Notice of the hon. Gentleman on the Paper. This was an accident which had happened long before he had the honour of taking the office which he now held, and the Question of the hon. Member did not afford sufficient information to enable him to ascertain the circumstances without considerable trouble. In the first place, the hon. Gentleman was wrong in the main part of his Question; he was wrong in stating that four persons were injured besides the man who was killed, for there were only three injured. The hon. Gentleman was also wrong in stating that the man was drowned, for he was killed by a fall of earth; and he was wrong in implying that the man lost his life in consequence of something which had happened before, for it was a slip of earth which caused his death. The accident occurred on the 3rd of February, 1872, and he had a Report from the Inspector, in which he said that from all he could see on his inspection the subsidence of the earth, the primary cause which led to the accident, was beyond human control. As to whether the Mines Inspector or any officer of Government had power to control such matters and prevent men being set to work in pits where there was manifest danger to life, the hon. Member himself had precisely the same sources of information which he had—namely, the Coal Mines Regulation Act; and if he would be good enough to look to the 46th section of the Act and to the General Rule No. 6, Section 5, he would find all the powers that he knew of.

#### INDIA—THE INDIAN BUDGET.

##### QUESTION.

MR. WHITWELL asked the Under Secretary of State for India, Whether,

*Viscount Sandon*

as the Indian Budget accounts are now printed, and appear to show an expenditure of two millions over receipts, he can name a day for the discussion of this important Budget?

LORD GEORGE HAMILTON: Sir, I am afraid that the hon. Member has confused three separate years' accounts. The Budget Estimate to be presented will be for 1875-6, and in that Estimate there will be a surplus of revenue over ordinary expenditure of upwards of £500,000. It is perfectly true that upon the accounts of the two preceding years, 1873-4 and 1874-5, which are not Budget accounts, but actual and regular accounts, there is a deficit of upwards of £2,000,000 over the ordinary revenue. But last year that deficit was estimated at upwards of £3,500,000. We are therefore £1,500,000 better off than we anticipated. As I am unable to control Public Business, it is impossible to fix definitely a day at present for the Indian Financial Statement, but as soon as the progress of other Government measures permits a day to be fixed upon I shall be glad to give that information so that hon. Gentlemen who take an interest in the matter may make their arrangements accordingly.

#### CONSPIRACY AND PROTECTION OF PROPERTY BILL—[BILL 260.]

(*Mr. Secretary Cross, Mr. Attorney General, Sir Henry Selwin-Ibbetson.*)

##### CONSIDERATION.

Bill, as amended, *considered.*

Clause 4 (Breach of contract by persons employed in supply of gas or water).

MR. W. HOLMS, in moving to insert words making the clause applicable to breaches of contract by others than workmen, said: The object of my Amendment is to make this clause applicable, not only to a breach of contract on the part of a workman, but also on the part of any other person who has a contract, the non-fulfilment of which may deprive a community of a supply of gas or water. I would remind hon. Members that since this clause passed through Committee in its present form, a great change has taken place in the policy of the Government with reference to the Bill now under consideration. So strong was the feeling of the House in favour of the Amendment of the right hon. Member

for London University (Mr. Lowe), and so evident was it that any measure which dealt with working men in a different or harsher manner than that in which it dealt with other members of the community would not be looked upon as a settlement of what has been called the labour question, that the right hon. Gentleman the Home Secretary came down to this House last week with the important intimation that he was prepared to repeal the Criminal Law Amendment Act, and virtually to accept the Amendment of the right hon. Member for London University by inserting a clause which, while dealing effectively with those offences against which the Criminal Law Amendment Act was directed, cannot hurt the feelings of any working man, for it applies not to workmen specially, but to any person. I beg to congratulate the right hon. Gentleman upon adopting a course which I believe will give general satisfaction, and in the same spirit I ask hon. Members not to weaken in any way the operation of this clause, but by adopting my Amendment, to take away from it the character of class legislation which it at present possesses. The object of the clause is to prevent the inhabitants of a city or town being suddenly deprived of a supply of gas or water, and with this view you propose to deal exceptionally with working men. By passing the Employers and Workmen Bill, you have told them that, in any other contract of service, a breach of such contract shall not be dealt with criminally, but in this particular instance it shall be held as criminal. I do not object to this, but I would ask hon. Members—why deal with one kind of contract in this exceptional manner? If the object is to ensure a regular supply of gas and water, why not apply the same legislation to all who are connected with the providing of that supply? Why not embrace contracts of maintenance and contracts for materials as well as contracts of service? It has already been pointed out that the non-fulfilment of a contract to supply coals might interfere with a supply of gas as much as the refusal on the part of a workman to put coals into a retort; and let me point out that in the event of the main supply pipe bursting, and the tradesman who had contracted to maintain such pipes refusing to make the necessary repairs,

the week, and have only Saturdays for making up the Reports on their week's work, and for their correspondence with the managers and the Department, Considering these circumstances, as well as the great care which is needed in the examination, at the Department, of the details and minute particulars upon which these Grants depend, I do not think that the interval, which at present averages about six weeks between the inspection and the payment of the Grant can be considered excessive. I need hardly assure my noble Friend that we are always endeavouring to reduce the interval between the inspection and the payment so as to meet the convenience of the schools.

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work, and a man named Eli Jones was drowned, and four others escaped with great difficulty; whether, in the report of the mines inspector, any negligence was attributed to the manager in sending the men to work under such circumstances; and, whether the mines inspector, or any officer under the Government, has now power to control such matters, and prevent men being set to work in pits where there is manifest danger to life?

MR. ASSHETON CROSS in reply, said, that his attention had not been called to the accident in question until he had seen the Notice of the hon. Gentleman on the Paper. This was an accident which had happened long before he had the honour of taking the office which he now held, and the Question of the hon. Member did not afford sufficient information to enable him to ascertain the circumstances without considerable trouble. In the first place, the hon. Gentleman was wrong in the main part of his Question; he was wrong in stating that four persons were injured besides the man who was killed, for there were only three injured. The hon. Gentleman was also wrong in stating that the man was drowned, for he was killed by a fall of earth; and he was wrong in implying that the man lost his life in consequence of something which had happened before, for it was a slip of earth which caused his death. The accident occurred on the 3rd of February, 1872, and he had a Report from the Inspector, in which he said that from all he could see on his inspection the subsidence of the earth, the primary cause which led to the accident, was beyond human control. As to whether the Mines Inspector or any officer of Government had power to control such matters and prevent men being set to work in pits where there was manifest danger to life, the hon. Member himself had precisely the same sources of information which he had—namely, the Coal Mines Regulation Act; and if he would be good enough to look to the 46th section of the Act and to the General Rule No. 6, Section 5, he would find all the powers that he knew of.

#### INDIA—THE INDIAN BUDGET.

##### QUESTION.

MR. WHITWELL asked the Under Secretary of State for India, Whether,

*Viscount Sandon*



MR. WHALLEY said, he could well understand why the right hon. Member for the London University should feel "humiliated;" but there was an obvious distinction between contracts of personal service and other contracts which could be enforced by penalties or special damages.

LORD ROBERT MONTAGU said, the clause applied exclusively to persons who were employed, and it did not apply to employers, contractors, companies, or municipal authorities. It would not, for instance, reach a tradesman who contracted to supply gas-pipes or to repair them.

Question put, "That those words be there inserted."

The House divided:—Ayes 88; Noes 100: Majority 12.

Clause 5 (Breach of contract involving injury to persons or property).

SIR JOHN LUBBOCK moved, in page 2, line 36, to omit the words "of service." He said that as the clause originally stood the words were, "Where an employer or a workman wilfully and maliciously breaks a contract of service." Now, there the clause evidently applied both to employer and employed. In Committee, however, the word "person" was substituted for "employer or workman." It now, therefore, stood that any one so breaking "a contract of service" would be liable to punishment under the clause. This seemed to give the clause a one-sided application, while surely if a contract was maliciously and wilfully broken, in such a manner as to endanger property or even life, the person so acting should be liable to punishment, whether he was the employer or employed. He moved, therefore, to omit the words "of service."

Amendment proposed, in page 2, line 36, to leave out the words "of service."—(*Sir John Lubbock.*)

MR. MACDONALD supported the Amendment, and expressed a hope that it would be accepted by the Home Secretary.

THE ATTORNEY GENERAL said, he must decline to assent to the Amendment, which proposed to extend the operation of the Bill to contracts other than of service. The question had been discussed and decided when the House was in Committee on the Bill.

Question put, "That the words 'of service' stand part of the Bill."

The House divided:—Ayes 137; Noes 100: Majority 37.

Clause 8 (Penalty for intimidation or annoyance by violence or otherwise).

SIR WILLIAM HARCOURT moved an Amendment to leave out from "abstain from doing" to the end of the clause, and to insert—

"Shall persistently follow such other person about, or hide any property owned or used by such other person, or deprive him of the use thereof, or with one or more persons follow such person in a disorderly manner, shall be liable to a fine not exceeding twenty pounds, or to imprisonment with or without hard labour for a term not exceeding three months."

If the Amendment were adopted the result would be that the clause would be confined to two classes of offences, rattening and persistently following. All the other offences it now proposed to deal with were already the subject of criminal enactment, and it was undesirable that the same offence should be punishable under two statutes. He should not trouble the House by taking a division, but if the Government did not accept the Amendment he would leave the responsibility on their shoulders.

Amendment proposed,

In page 3, to leave out from the word "doing," in line 24, to the word "months," in line 37, inclusive, and insert the words "shall persistently follow such other person about or hide any property owned or used by such other person, or deprive him in the use thereof, or with one or more persons follow such person in a disorderly manner, shall be liable to a fine not exceeding twenty pounds or to imprisonment with or without hard labour for a term not exceeding three months."—(*Sir W. Vernon Harcourt.*)

MR. MACDONALD protested against the clause standing in its present shape.

MR. SERJEANT SIMON was in favour of the alteration of the clause in the manner proposed. He believed it would be very difficult to draw an indictment under the clause, and then it would remain for the Judge to determine what the offence was, and to direct the jury accordingly. The prisoner, moreover, would be deprived of his appeal against a summary conviction.

LORD ESLINGTON objected, as he had done previously, to the clause as being too vague in its terms.

MR. ASSHETON CROSS observed that the point raised by the hon. and

learned Gentleman opposite had been thoroughly thrashed out in Committee, and therefore it was unnecessary for him to do more than say that he could not accept the proposed Amendment. He hoped that the right hon. Member for the University of London would not feel "humiliated" by a portion of his words having been adopted in the clause as it now stood.

MR. SCOURFIELD thought that there was nothing dangerous in the clause except the words "seriously annoyed," for which he suggested that the words "unjustifiably annoyed" should be substituted.

MR. HOPWOOD repeated what he had said in the former discussion, although it had then been challenged, that the clause created a new offence in giving power to A to prosecute B for threatening C. The right hon. Gentleman said that the clause was intended to protect workmen against workmen, but that was Parliamentary hypocrisy. It was intended really to give the master again the power taken away from him by the Criminal Law Amendment Act.

MR. MAC IVER said, that in the part of the country of which he had the honour to be a Representative there was not the smallest sympathy with the captious criticism of hon. Gentlemen opposite upon the Bill. On the contrary, there was in every part of the port of Liverpool, on both sides of the Mersey, and in South-west Lancashire generally, a feeling of the greatest satisfaction that the settlement of these difficult questions should have fallen to a Gentleman who was so much one of themselves as the Home Secretary.

MR. W. E. FORSTER said, one result of the Amendment would be to prevent this general Act from being more stringent than the Criminal Law Amendment Act. He sympathized with that object, but could not vote for his hon. and learned Friend's Amendment, which proceeded to strike out the words inserted at the instance of his right hon. Friend (Mr. Lowe) with regard to serious annoyance, and would so get rid of any means of preventing picketing. There had been an honourable understanding on this point, and any such Amendment should have been brought forward at an earlier period.

MR. MELDON thought the Home Secretary should have little difficulty in

altering the clause so as to make it command the respect of the Judges, which in its present shape could hardly be expected. As the words "seriously to annoy" were obviously meant to prevent rattening and picketing, why not confine it to those offences? Under the Bill even practical joking might become an object of criminal prosecution. He should certainly insist on a division unless the Government modified the clause.

MR. NEWDEGATE reminded the House that we lived in days of combinations of all sorts, and acts which were innocent in themselves became criminal if done in combination for unlawful objects.

Question put, "That the words proposed to be left out stand part of the Bill."

The House divided:—Ayes 219; Noes 91: Majority 128.

Clause 13 (Saving as to sea service).

MR. PLIMSOLL moved an Amendment, the object of which was to make the Act applicable to seamen. He argued that the working classes afloat had as much right to have their interests equally protected with the working classes on shore. Yet there had always been, and would continue to be, a great discrepancy between the position of these two sections of the same class if the Bill under consideration were passed as it stood. The workman on shore not only had his health guarded, but also his political liberties and privileges, whereas the sailor was subject to an exceptional law, which operated towards him most unjustly. The sailor, for instance, was liable in many cases to summary arrest and a long term of imprisonment for refusing to proceed to sea in his ship, although, rightly considered, that act was a mere breach of contract, for which the working man on shore would be lightly punished. That was an anomaly which ought at once to be rectified. For his part he could not see why owners should be allowed to exercise the arbitrary powers with which they were endowed as long as a vessel was in British waters, where the ordinary course of the law could be appealed to. Sailors were in this respect very hardly treated. Within the last two years seven gas stokers and

five cabinet-makers only had been imprisoned for breach of contract, and their case had been the subject of leaders in the newspapers and had excited all England from one end to the other, whereas within exactly the same period no fewer than 1,096 sailors had been arrested without warrant and cast into gaol for refusing to sail in particular ships. What rendered this injustice all the more severe was the fact that in most cases the ships in which the seamen refused to sail had been proved, by subsequent experience, to be unseaworthy. He knew of one case where a sailor asked to be released from his contract because his ship was not seaworthy. His request was refused, but he preferred to go to gaol rather than run the risk of going to sea; and his fears were fully realized, for the vessel went down with her crew. He could mention many such cases. In one instance a ship had been surveyed and certain things were ordered to be done. The owner refused. The report of the surveyor was that "the ship in her present condition was utterly unfit to go to sea with human life on board;" but it was sent to sea notwithstanding. The sailors found the ship so leaky that they went ashore at Deal or Sandwich, and the owner who refused to execute the repairs ordered, sent these men to gaol for 10 or 11 weeks. Another crew was put on board, the vessel went to sea, and never was heard of afterwards. Was it right that English subjects should be sent to gaol because they refused to go to sea in a vessel they believed to be in a condition perilous to human life? What was the case of the *Wimbledon* of Cardiff? They were very ready to commit at Cardiff; perhaps more committals occurred at Cardiff than at Liverpool. The crew of the *Wimbledon* were sent to gaol for 10 weeks. A second crew were brought before the magistrate; they were ordered either to go to sea or to gaol. One half of the crew went to sea, the other half preferred to go to prison. A third crew were brought up, and they were sent to gaol also. In a few days a portion of a fourth crew was brought up. By this time the magistrates began to think there must be something in the complaints of the men, and they ordered the vessel to be surveyed. But before this could be made, the captain took the ship to sea, and she was lost; yet the men who had refused to go in her were compelled to

serve out their time in prison. Nor was that all that was to be said upon the point. He had ascertained that out of 497 vessels ordered to be detained by the Board of Trade on account of alleged unseaworthiness, only 15 had actually been found to be seaworthy. Further, it might be mentioned that on the 3rd of this month there were no fewer than 2,654 vessels which had lost their character and forfeited their class, the owners of which were yet able to send their crews to gaol for refusing to go to sea in unseaworthy or overladen ships. And how were some of these ships loaded? Why, the *Thornbury* went out recently with a crew of between 20 and 30 men. She was only 957 tons net register, and yet she was allowed to depart with a cargo of 2,122 tons, only to go to the bottom the second day after she had departed. The brother of one of those who were lost in the ship wrote to him (Mr. Plimsoll) that his brother had told him on the eve of sailing that the ship was not safe, and that his only reason for not leaving her was his fear of being imprisoned. In that way we drove men to their death by laws which had no justification, for whatever necessity there might be for strengthening the hands of a captain at sea, the ordinary law was sufficient when he was at home. The Board of Trade in their Return admitted seizing 48 vessels for overloading, and said that in no case did they find the allegation unfounded; but that number of cases afforded no indication of the extent of the evil, because, from a very deficient list of the vessels that left our ports, he had selected—omitting all doubtful cases and all cases of moderate overloading—no fewer than 662 cases of excessive overloading since the 28th of July last year.

MR. SPEAKER informed the hon. Member that he failed to see the relevancy of these statements on the overloading of ships to the clause under consideration. The hon. Member appeared to be discussing the Merchant Shipping Bill.

MR. PLIMSOLL merely wished to enforce his argument by these statistics. He would tell the House what sort of people exercised these arbitrary powers. They were not respectable and well-known shipowners, with large numbers of vessels, and who had been in business many years without loss of ships or life.



He was preparing a list of good ship-owners, and also a list of those whose losses were so numerous and dreadful, and in whose ships so many men went to death; and he should be glad to submit this information to the House on a future occasion. In the 12 months ending June last year, 6,927 men were drowned, and all the evidence showed that these fatalities might have been prevented. Were men sent to gaol by the Allan Line, the Cunard Company, the Peninsular and Oriental Company, Smith's, Brocklebank's, George Thompson, junr., George Holt, the National Line, the Cape Mail, or the Royal Mail Line? Yet, if loss or inconvenience were to be guarded against, surely protection was most needed by those who carried mails under heavy penalties. The Cunard Company had 49 steamers and a large number of sailing vessels, and yet in 12 years they had not sent 10 seamen to gaol. Who, then, were the men who sent these seamen to prison? They were the owners of coffin ships, ship-knackers, people who, as he had recently stated in that House, insured their ships for £36,000 when they were worth only £15,000—people who systematically overloaded their ships primarily to earn more freight, but sometimes—he declared it with shame and sorrow—to get from the insurers money for the ship. Not only was there great loss of life, but intense suffering was endured by the men before they died. This had not always been so. The position of seamen had become infinitely worse since the present permanent officials of the Board of Trade had had the management of the Mercantile Marine committed to their care. A Committee appointed in 1839 to inquire into the causes of loss of life at sea had detailed many dreadful instances of dreadful suffering, and recommended that no deck loads should be carried in timber-laden vessels from North America.—[“Order!”]

MR. SPEAKER pointed out that the question of deck loading had no reference whatever to the Bill before the House.

MR. PLIMSOLL was aware of the difficulty with which he had to deal, but he would be extremely obliged if the House would listen to matters which were of enormous interest.

MR. SPEAKER said, it was competent for the hon. Member to address the

House on any matter relevant to the clause under consideration.

MR. PLIMSOLL wished to give reasons for extending the operation of this Bill to seamen. In 1843 a Committee confirmed the legislation adopted in 1839, and in 1853 it was re-enacted; but in 1862, with scarcely a word of explanation, the prohibition of deck loading was swept away and the requirement that ships should be built in compartments was withdrawn. The case of the seamen had become so much worse during the last few years, that unless the House could be induced to come to the rescue he did not know what would be the consequences, and he therefore now proposed his Amendment.

Amendment proposed, in page 6, line 20, to leave out the words “Nothing in.”—(Mr. Plimsoll.)

Question proposed, “That the words ‘Nothing in’ stand part of the Bill.”

MR. ASSHETON CROSS said, no one could listen to the hon. Member for Derby without interest and instruction. for the hon. Gentleman had paid so much attention to this matter, and was so thoroughly in earnest, that he always spoke with authority on the subject. So far as he (Mr. Cross) was individually concerned, he was aware of the state of the relations between sailors and their masters, and in some cases he should be glad to see relief afforded to them, but he must put it to the House whether some Notice should not have been given of this Amendment. The Bill had been before the House and the country for a great number of weeks, and yet no Notice had been given, and if these words were struck out, and every ship-owner and sailor throughout the country found next day that the House had dealt with the matter in a hurry, instead of promoting peace and goodwill, it would produce a great deal of consternation and bitterness. If it were in his power to do so, this was a case in which he should do most justice to feelings by moving the Previous Question. This was not a proper opportunity for discussing the matter. Supposing he had intended to deal with it, he (Mr. Cross) should have taken the trouble to ascertain the views both of owners and sailors, but as these matters were dealt with by a Department under the presidency of another Member of the Government, he had not

presumed to interfere. He hoped the House would not be led away into this question, but would reserve it to a more suitable time, instead of interrupting the progress of this Bill.

LORD ESLINGTON argued that the whole of the provisions of the Bill were entirely inapplicable to the sea service, and urged the House to reject the Amendment.

Mr. LOWE remarked that this was a Bill of Pains and Penalties, inflicting a number of punishments. It was applicable to the whole of Her Majesty's subjects, including the Members of that House. There was but one class to whom it was not applicable—namely, seamen and apprentices in the sea service, and the hon. Member for Derby proposed to benefit that class by depriving them of that exemption and by making them liable to its provisions.

Mr. MACDONALD recommended the hon. Member not to press his Amendment, but stated that when the Merchant Shipping Bill was again under consideration he would move the omission of the penal clauses, with the object of placing seamen on a footing with other classes of the community.

Mr. MAC IVER joined in the request that the hon. Member for Derby (Mr. Plimsoll) would not press his Motion to a division. In cases where seamen laboured under conditions as between employers and employed, similar to those under which other classes of workmen laboured, the same legislation which was thought right for others should equally be applied to sailors. It might be desirable for the House to consider what those conditions were, and wherein the work performed by sailors differed from that performed by other classes of the community. Ordinary breach of contract on the part of seamen might be broadly classed under one or other of three separate heads, which he would ask the Home Secretary to consider. Sailors actually at sea who failed in their contracts, or who deserted abroad, were under exceptional conditions, and he (Mr. Mac Iver) feared that it was necessary to treat such cases with exceptional legislation. The safety of life and property depended in such cases on seamen being compelled to fulfil their contracts, and therefore he did not think the provisions of the Home Secretary's Bill could reasonably be applied to such

cases as those. Nor could the measure be fairly applied to the second class of offences—namely, those breaches of contract where sailors in British ports received money in advance and then failed to join their ships. That was not an ordinary breach of contract, and he thought it might fairly be dealt with exceptionally. But a much larger class of cases was where sailors, without receiving an advance of wages, and often without really intending to fail in their contracts, simply omitted to go on board to fulfil their agreements. Of course, this involved no more substantial loss to the shipowner than was involved to other employers of labour whose workmen failed in their contracts; and, surely, sailors in such cases ought not to be treated with exceptional severity. He asked the House to remember what were, unfortunately, the conditions of a sailor's life. Many of them, without family ties, were specially liable to temptation; and the mistaken Board of Trade legislation of recent years had, however well intended, done much to degrade the sailor. Why was it that exceptional legislation was necessary? Was it because the Board of Trade had failed in its duty with reference to the inspection of vessels? He had no desire to detain the House, but he felt that the Amendment of the hon. Member for Derby was not the right way to deal with the question. They had, however, a right to ask the right hon. Gentleman the Home Secretary, on the part of the Government, to consider it. The existing law was unsatisfactory, and he hoped his right hon. Friend the Home Secretary, if he could not at present remove those evils, would at least do nothing to perpetuate them. Surely sailors, having by the nature of their calling scarcely a voice in the representation of the country, should receive the utmost consideration of hon. Members. He left their case in the hands of the Home Secretary, feeling confident that he would do that which was right.

Mr. SULLIVAN said, that when the hon. Member for Derby saw two or three Bills going through the House, professing to be intended to ameliorate the condition of the working class, it was natural he should take exception to the clause that appeared in each of them excluding seamen from the operation of the measures. He was one of those who



was glad the Merchant Shipping Bill had not been changed, as some interested people hoped, and many more feared, it would be, and when they reached it he would certainly give his support to the hon. Member for Derby.

Amendment, by leave, *withdrawn*.

Clause agreed to.

On Motion of Mr. ASSHETON CROSS, Clause 14 omitted, and re-inserted as a sub-section of Clause 15.

Clause 15 (Repeal of Acts).

THE LORD ADVOCATE moved to leave out "provisions" in line 23 inclusive, and insert—

"Every person found liable on conviction to pay any penalty under this Act shall be liable, in default of payment within a time to be fixed on conviction, to be imprisoned for a term to be also fixed therein, not exceeding two months, or until such penalty shall be sooner paid, and the conviction and warrant may be in the form of No. 3 of Schedule K."

In reply to Sir HENRY JAMES,

THE LORD ADVOCATE explained that the object of the Amendment was to adapt the Summary Procedure Act of 1864 to the Scotch legal system.

Amendment agreed to.

Bill to be read the third time upon Thursday.

#### AGRICULTURAL HOLDINGS (ENGLAND)

(re-committed) BILL—[BILL 222.] [Lords.]

(Mr. Disraeli.)

COMMITTEE.

Bill considered in Committee.

(In the Committee.)

Clauses 1 and 2 agreed to.

Clause 3 (Extent of Act).

SIR GEORGE JENKINSON moved to insert in page 1, line 11, after the word "Ireland," the words—

"Nor shall it extend to any holding in England or Wales in respect of which a written agreement is in existence between the landlord and his tenant at the date of the commencement of this Act."

One objection that might be made to his proposition was that many of these agreements were old-fashioned, but he did not know that this was a fault. He contended that when once you opened the door to tampering with existing contracts it was impossible to say what injury might result. If a vote were taken

on the Amendment he should claim the votes of the hon. and learned Member for Oxford City and of the right hon. Gentleman who sat for the University of London. Every one who had a regard for the rights of property should object to such a tampering with old agreements. He objected to put upon landlords the invidious odium which was sought to be imposed upon them—namely, that they had the power to contract themselves out of the Bill. Why should the attempt be made to disturb the relation existing between old tenants and landlords, when from generation to generation—in many cases for centuries—farms had been in the hands of the same families. Was it to be supposed that Parliament could lay down one particular rule which could be successfully applied all over England. There were two classes of cases—one of them of tenants who held under written contract, and the other of tenants who did not hold under any contract whatever, but simply a verbal agreement; and he did not know of any cases of hardship on tenants calling for special legislation except in two cases—one, in which the tenant, not having any agreement, had improved his land, and in which his landlord turned him out and took possession of the land without giving him any compensation; and the other where an estate was sold, or changed ownership, and the purchaser or new owner raised the rent, and as the tenant did not agree to accept the terms turned him out. One short clause would cure all that. There were good landlords as well as bad, but it was no sufficient reason, because such a measure as the present was required for the latter, that the former should be even indirectly injuriously affected by it. He had heard that a Member of the Cabinet had expressed an opinion to the effect that the Amendment was not necessary, as it merely expressed the meaning and intention of the Government. If that were so, there could not, he thought, be any objection to that meaning and intention being clearly expressed; but when he turned to Clause 46 he found a provision which enabled any landlord who so desired to free himself from—or, as the phrase was, to contract himself out of—the provisions of the Bill. That clause involved a great principle, and forced a very invidious necessity on a good landlord who gave his

Mr. Sullivan



tenants fair agreements, by putting on him the odium of serving a notice on his tenants that they were not to participate in the advantages of this Bill, and it was to avoid this unfair and disagreeable necessity that he was anxious to have it plainly stated that existing agreements should be upheld.

MR. DISRAELI thought the Committee would agree that the Amendment of his hon. Friend was not germane to the clause in connection with which it was sought to be introduced. This clause referred to territorial extent, and not to question of tenancies, and it seemed objectionable to introduce the Amendment as proposed. But he thought that not only was the Amendment not germane to the clause, but that it would be indiscreet to force such an opinion upon the Committee. He could not believe that such a course was prudent or proper. The opinion of hon. Members, and even of the hon. Baronet himself, might be modified in the course of the passage of the Bill through Committee. However important the Amendment might be, and, no doubt, it was an important one, it was not germane to a clause providing that this Act should not extend to Scotland or Ireland. If the Amendment were moved at all, it might be better moved at another stage of the Bill. Irrespective of the objection he had stated, the Amendment was so worded that it did not limit the duration of the agreements to which it referred, and he hoped it would not be pressed.

MR. GOLDSMID said, he trusted that one result of this discussion would be to put the Bill with reference to existing agreements into a reasonable shape, because unless, that were done, it would give rise to difficulties and heart-burnings among agriculturists of all classes. It would, however, be better to discuss this matter at the end than at the beginning.

MR. CHAPLIN entirely concurred in the objects and principle of the Bill, but contended that legislation should not abrogate contracts entered into by persons with their eyes open. Many existing agreements had been drawn up with great care and pains, with the express object of avoiding subsequent legislation that might interfere with arrangements which both parties preferred to make for themselves. While, therefore, he thought that the Amendment

might be proposed at a more convenient time, he hoped the Government would see their way to accept the principle contained in it.

MR. DODSON was disposed to concur in the Amendment if it were proposed in its proper place, seeing that the effect of the Bill would be to put an end to existing agreements of yearly tenancies—a result exceeding undesirable both to landlord and tenant. The question was one of very great importance, and it was desirable that the Committee should, at this early stage of the Bill, know what were the intentions of the Government in reference to the question.

MR. GOLDNEY denied that the Bill would put an end to every agreement; it only gave the tenant the advantage of going to the landlord for compensation for the usual acts of husbandry and unexhausted improvements, instead of leaving him to his remedy at law or to go to the incoming tenant. The Bill also gave a simple remedy by arbitration, instead of driving a man into a Court of Law; and it provided that a tenant's remedy should lie against the person who was in actual possession of the land. For want of such a provision a tenant at the late Assizes at Salisbury had been non-suited, the land having changed hands, and his claim to compensation being ignored both by the late and present landlord.

SIR HARCOURT JOHNSTONE said, that, with some knowledge of the wishes of the farmers in his county, he did not believe that, on the whole, they wanted the Bill at all. At all events, existing agreements, drawn up with the greatest possible care, should not be altered in this summary way. Inequitable agreements might exist, but, on the whole, landlords only desired to do what was fair to their tenants. Such a provision was likely to cause heartburnings and annoyances, and he could hardly conceive a more unwise act on the part of a Conservative Government than to propose this harassing legislation.

SIR RAINALD KNIGHTLEY thought that the progress of the Bill would depend greatly upon what was done in this question, and he joined in the appeal which had been made to the Government to give the Committee some information as to their views.

Mr. WALTER said, that, before the Government gave the explanation for which they were asked, he wished to express a hope that the hon. Baronet would not persist in his Amendment. He deprecated any interference with freedom of contract, maintaining the absolute right of landlord and tenant to enter into what agreements they pleased. He should feel no delicacy or difficulty in contracting himself out of the Bill, and there were some cases in which, in justice to the tenant for life, he should feel called upon to do so. In any case he protested against having freedom of contract restricted. The principal object of the Bill, as far as regarded compensation to tenants for a certain class of improvements, was to reverse the presumption at present in favour of the landlord and give it to the tenant. The reason for that was very simple. In former times, when tenants were a very poor class, and lived from hand to mouth, they put nothing into the land except what they expected the next crop to return. Then it was fair that what was in the land should belong to the landlord. But the presumption now was, that what was put into the soil ought to belong to the tenant. There were, however, many agreements of old standing in which that presumption was not at all recognized. In that respect the operation of old leases would, in many cases, be inequitable and unjust to the tenant, and would have to be amended by the landlord. He himself had at this moment a farm which had been leased for 14 years, and which the tenant was about to quit. Under the terms of the lease the tenant would have no claim to compensation for expenses for cake, but it was only fair that compensation should be made for it. Such an agreement would have to be supplemented by another agreement, or by legislation of this kind. He did think, however, as matter of form, that the present part of the Bill was not the best place to introduce this Amendment, and that the Amendment could be made more properly on the 46th clause. Therefore, though he would be happy to go with his hon. Friend at the proper time, he trusted he would withdraw the Amendment for the present.

SIR WALTER BARTELOT hoped his right hon. Friend at the head of the Government would make some statement to the Committee on this most important

question. As most people knew, four-fifths of the land of this country was held upon yearly agreements, many of which in various parts of England were considered better than any lease, and had gone on for hundreds of years from generation to generation. It would be a most unwise and injudicious thing if, as it were by a stroke of the pen, this Bill was to upset these arrangements. Knowing as he did the feeling of the agricultural classes in this country, he was sure that nothing would tend to facilitate the passing of the Bill so much as a declaration by his right hon. Friend that he did not intend in any way to interfere with those agreements which had now existed so long.

MR. DISRAELI said, he was sorry he could not yield to the appeals which had been made to him on both sides to make a declaration on a particular point involved in the Amendment. The House had accepted the principle of the Bill which was now in Committee, and it only remained to discuss the clauses. It would be not only unusual, but inconvenient to give a crude and almost abstract opinion, which might be misunderstood, upon points raised by hon. Gentlemen; whereas, if they were considered in relation to the language of a future clause, they could then be critically examined, and effect given to the views expressed. He certainly did not expect from any clause in the Bill the consequences anticipated by his hon. Friend the Member for North Wilts. It would be quite possible, as the Committee proceeded, to prevent any wholesale issue of notices to quit. They must, however, go on cautiously, if they wished to carry the Bill, which, from the manner in which the second reading was agreed to, he presumed there was a sincere desire on both sides of the House to do. ["No, no!"] If not, he was at a loss to understand why they had agreed to the second reading? When his hon. and gallant Friend (Sir Walter Barttelot) told the Committee that four-fifths of the tenants of England held on yearly agreements, and were in the position of yearly tenants, that was an observation which cut both ways, and a very interesting inference might be drawn from that statistical fact. He trusted the Committee would come to a decision on the Amendment; and he confidently anticipated, if they proceeded, that the incon-

veniences apprehended, if not removed entirely, would be largely mitigated; and that, without forfeiting the object which it was proposed to accomplish by the Bill.

THE MARQUESS OF HARTINGTON said, he could not agree with the right hon. Gentleman, in hoping that the Committee would come to a decision on this Amendment, because that was certainly not the most convenient time for that purpose. It was evident that the view of the hon. Baronet the Member for North Wilts would receive a great deal of support on both sides, but he would hardly raise the question fairly if he persisted in dividing on this occasion. No doubt, the subject merited full discussion, and he was quite surprised that the Government had not made up their minds on the question. The Committee would have a further opportunity of considering the question before they reached the 46th clause, and before then he would recommend hon. Members to obtain from the Government some information as to the extent of the operation the clause might have. He did not understand the hon. and gallant Baronet (Sir Walter Barttelot) to say that four-fifths of the land of England was held under yearly tenancies, but that a very large portion of it was held under tenancies which would be affected by this Amendment. [SIR WALTER BARTTELOT: Hear, hear!] Could the Government give an estimate of the number of holdings which would be affected by it? His own opinion was that a large proportion of the soil of England would be excluded by the Amendment from the operation of the Bill. Nor did he think that would be a matter to be regretted, as the Bill was an extremely imperfect measure. He was sorry the Government had not taken the advice which had been given them to consider the subject. If they had put it off for another year, he felt convinced they would have produced a much more satisfactory measure.

MR. SCOURFIELD expressed his concurrence generally in the views taken by the hon. Baronet (Sir George Jenkinson).

MR. PEASE thought the Committee required, before proceeding, the information which the Government, although pressed to do so, were unwilling to give them until they got to the 46th clause,

which would altogether disturb the relations between landlords and tenants.

MR. PELL charged the hon. Gentleman with inconsistency, inasmuch as on the previous evening his complaint against the Bill was that it did not go far enough in the way of that disturbance which he now deprecated.

MR. HENLEY said, his firm belief was that a large proportion—in fact, a great majority—both of landlords and tenants wished to be let alone, and if the proposal of the hon. Baronet was likely to give effect to their wishes it would go a great way. When it was said that freedom of contract was to be the basis on which they were to proceed, how could that be the case, if people were not to have the power of making their bargains? The feeling in that part of the world in which he lived was this—people wished to be let alone, and did not want the bother of having to make fresh bargains, and he believed that was pretty generally the case throughout the country. The times were not bad for the tenants, and when that was the case, anything which brought about a general looking into of everything was not desired by them. He hoped the Government would either accept the proposal of the hon. Baronet, or in some way make it clear that people who were satisfied would not be meddled with.

MR. WADDY said, it appeared to him that there was a very simple way out of the difficulty. If he was in Order in doing so, he should be prepared to move the postponement of the consideration of all the clauses up to Clause 46, so that they might really know what they were about.

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draw the Amendment till a more convenient stage of the Bill.

Amendment, by leave, *withdrawn*.

Clause *agreed to*.

Clause 4 *postponed*.

Clause 5 (Tenant's title to compensation).

MR. WADDY moved that the clause be postponed until the Committee had an opportunity of considering Clause 46.

MR. DISRAELI: I can only look upon this Motion as conceived in a spirit of the greatest hostility to the measure, and with a determination not to give it a fair hearing. Her Majesty's Government will give the Motion their entire opposition. I would look upon the division as conclusive of the opinion of the House on the Bill.

MR. NEWDEGATE hoped the hon. and learned Member would not persevere with his Amendment.

*Motion negatived.*

MR. GOLDSMID called attention to the circumstance that, besides the marginal note of this clause, "Tenant's title to compensation," it was preceded by a heading, "Tenant's Compensation for Improvements," and he asked the Chairman whether that heading was part of the Bill.

THE CHAIRMAN said, it was of the nature of a marginal note, which was no part of a Bill.

MR. GOLDSMID asked whether the promoters of a Bill could insert a heading over which the House had no control? This heading seemed to embody a principle to which he could not agree.

THE CHAIRMAN again said, that a title was of the nature of a marginal note, which was shown in this case by identity. ["No, no!"] The Committee could take cognizance only of what the clause proposed to enact. If the clause were amended so that the title became inaccurate, then it could be altered by those having charge of the Bill. If the hon. Member objected to the word "improvements" he should propose to strike it out of the clause.

SIR THOMAS ACLAND pointed out that the words in the title to this section of the Bill virtually formed an interpretation clause for several of the subsequent clauses.

MR. JACKSON said, he had known cases of doubtful construction of Acts of

Parliament in which Courts had been influenced by the subdivision of the Act into parts by means of such headings, and therefore it was important that the House should have some control over them.

MR. WILBRAHAM EGERTON said, that if the clause were amended the heading could be altered on the Report.

MR. GOLDSMID contended that if the heading could be altered on the Report it could be amended in Committee. These headings were put in by the draftsman, who, as they were told last night, acted upon the strict orders of the Government, and this heading embodied a principle he desired to oppose.

MR. DODSON supported the ruling of the Chairman that the heading of the clause was no more part of the Bill than the marginal note or the figures numbering the lines on each page. It was simply inserted by the draftsman as a kind of index, and was supposed to be for the convenience of hon. Members. When a Bill was passed those who had charge of it could re-arrange and re-number its clauses if they thought it desirable to do so.

MR. DILLWYN contended that if a heading was no part of a Bill it had no business there.

SIR THOMAS ACLAND, in rising to propose an Amendment of which he had given Notice, said, he did not like the Bill, but he would deal fairly by it.

MR. BEAUMONT, interposing, said, that, following the ruling of the Chairman, he should, in the heading of the clause—namely, "Tenant's Compensation for Improvements," propose to strike out the words "for improvements."

THE CHAIRMAN said, that the point of Order to which the discussion had been directed was as to whether the Committee could strike out or amend the words of the heading of the clause, and he had ruled that it was not competent for them to deal with that line either by excision or Amendment.

SIR THOMAS ACLAND said, the 5th clause was as follows:—

"Where, after the commencement of this Act, a tenant executes on his holding an improvement adding to the letting value thereof, he shall be entitled, subject to the provisions of this Act, to obtain, on the determination of the tenancy, compensation in respect of improvement."

*Sir George Jenkinson*



He proposed to omit the word "executes," and insert "lays out money." He objected altogether to classing buildings, and chalkings, and the like with the ordinary processes of growing crops under the common word "improvement." This was not a technical objection, because he contended that scratching the ground and throwing in seed could not be considered as improvement; and it certainly was contrary to the practice of most good managers of property. The ordinary agreement made with a man was that he should "keep his farm in good heart and condition," and "good heart and condition" without manure was practically impossible. It was necessary, then, to draw a wide distinction between permanent improvement and that outlay of the tenant's own money on the landlord's property which was absolutely necessary to grow the crop. He would not go into the questions as to corn and turnips and the like, or even teazles, which certainly was the *reductio ad absurdum* of this sort of legislation; but it was impossible to grow a crop in 1875 unless last year there had been grown a crop of turnips or some other intermediate crop, and that could not be grown without manure. He maintained that that was an entirely different thing, although adding to the value of the staple of the soil, to adding to the durable staple of the landlord's property.

MR. DISRAELI said, it was necessary in legislation generally, and especially in legislation of a popular character, to use language that was generally understood. He maintained that in a Bill dealing with subject of this character the word "improvement" had been regularly adopted. The attention of the House was drawn very much a few years ago to a Bill which was introduced by an hon. Gentleman (Mr. Howard)—who was no longer a Member of that House—on this subject, and there the word "improvement" was used throughout, and there were also Schedules. Then, there was also a Bill drawn up on behalf of the Chambers of Agriculture, and in that Bill also the word "improvement" was the chief word upon which all the clauses turned as on a pivot, and there were likewise Schedules. Again, in the House of Lords last year a noble Marquess (the Marquess of Huntly) introduced a Bill

of the same character as the present, and there the word "improvement" was that on which all the clauses depended, and there were also Schedules. He must say he thought the observation of the hon. Baronet ought not to influence the opinion of the Committee, and he trusted they would acknowledge that in introducing the word "improvements" and Schedules in the Bill, they had followed the usual course, and that which was sanctioned by authority.

MR. GOLDSMID thought it would be absurd for the House to say that a portion of the ordinary farming capital of the tenant was to be called an improvement in an Act of Parliament. He contended that there should be a distinction between permanent improvements, such as putting up new buildings and planting orchards, and those processes which were merely questions of proper farming. He should support the Amendment.

MR. STORER said, all the difficulties arising out of this clause was the result of its mixing two very different things under one term. The first class of improvements in the Bill ought to be separated altogether from Clauses 2 and 3. The first class were for improvements, whereas the operations specified in the second and third Schedules were those of a routine character. He hoped that the Amendment would be withdrawn.

MR. NEWDEGATE said, that the discussion with respect to the meaning of the word "improvement" reminded him of a dictum of the First Lord of the Treasury, uttered in former days, with respect to the word "progress," then very fashionable. The right hon. Gentleman said—"Yes, progress; but is it progress to Paradise, or progress to the Devil?" The interpretations given of the word improvement in these days were almost as diverse as were those of the word progress. There were improvements to the estate, such as buildings which were understood to be of a permanent character; and there were also agricultural improvements, which consisted of works of a less expensive and durable character, such as the ordinary drainage, the use of artificial food, and the application of manures to the soil. His object, then, was to urge upon the Committee to separate what should be considered an improvement to the estate from what was a common agri-

cultural improvement, and to do this in the classification contained in the clause. He had beside him the several Bills which were introduced by Mr. Pusey, in conjunction with Mr. Denison; and having been for five years in close communication with Mr. Pusey, as a member of the Publication Committee of the Protection Societies, up to the very period when the first Bill was brought in, few Members of the House had had the opportunity of more conversation with Mr. Pusey on this subject than he (Mr. Newdegate), and he felt quite certain that Mr. Pusey—indeed, it was proved by the tenour of his Bills—would have strictly adhered to the distinction which he was now endeavouring to illustrate: the distinction between that which was an improvement of the estate as reality, and that which was an improvement as it affected the immediate interest of the occupier. He wished, then, to suggest to the Committee during the few minutes that were left of the present Sitting that, if this distinction was to be observed, according to common practice and custom, the drainage of land which stood first in the category ought to be separated from improvements in buildings and the like. The word drainage stood first in the first column, and the first words in the adjoining column were—

“Making or improving of water-courses, ponds, wells, or reservoirs, or of works for supply of water for agricultural or domestic purposes.”

This showed that drainage in the first column meant thorough or field drainage. Now, the ordinary period for compensating for thorough or field draining varied from five to seven years, and he held that they would completely contravene the experience of the whole country if they retained the words draining in the first class of what were called permanent improvements. So, likewise, in the case of laying down land in permanent pasture, seven years were the ordinary period for compensation for that process. Clearly, then, these two items, according to the practice of the country, ought to be taken out of the first class of things to be compensated for. To give compensation extending over 20 years would be excessive.

It being now ten minutes to Seven of the clock, Committee report Progress; to sit again upon *Thursday*.

*Mr. Newdegate*

The House suspended its sitting at Seven of the clock.

The House resumed its sitting at Nine of the clock.

#### TAXATION.—RESOLUTION.

MR. HUBBARD rose to call the attention of the House to the Local and Imperial Taxation of the Country; and to move—

“That Local and Imperial Taxation, where their incidence is concurrent, should have a common basis of valuation and should be alike assessed upon the net rental or annual value of real property, and that Imperial Taxation, when levied upon industrial earnings should be subject to such an abatement as may equitably adjust the burthen thrown upon intelligence and skill as compared with property,”

when—

Notice taken, that 40 Members were not present; House counted, and 40 Members not being present,

House adjourned at a quarter after Nine o'clock.

#### HOUSE OF COMMONS,

*Wednesday, 21st July, 1875.*

MINUTES.]—NEW WRIT ISSUED—*For Habeas Corpus, v. Thomas Richardson, esquire, Chiltern Hundreds.*

PUBLIC BILLS — *Ordered* — *First Reading* — Expiring Laws Continuance \* [262].

*Second Reading*—Poor Removal [59]. *put off*: Local Government Board's Provisional Orders Confirmation (Leyton, &c.) \* [261].

*Committee—Report*—Canada Copyright \* [266]. *Third Reading*—Chelsea Bridge \* [249], *not passed*.

*Withdrawn*—School Attendance in Towns \* [102]; Towns Rating (Ireland) \* [139].

#### PARLIAMENT—BUSINESS OF THE HOUSE.—THE COUNT-OUT ON TUESDAY.—OBSERVATIONS.

MR. NEWDEGATE gave Notice that he should proceed with his Motion which had stood second on the Notice Paper for the previous evening with respect to the Nuneaton Grammar School on Friday next as an Amendment to the Motion for going into Committee of Supply. It had become a practice when the House was counted out—

Mr. SPEAKER asked the hon. Gentleman whether he intended to conclude with a Motion? If so, he would be in Order, not otherwise.

Mr. NEWDEGATE said, he should conclude with moving the adjournment of the House. He wished to observe that the very frequent practice of counting the House out upon Tuesday evenings did not appear to him to be consistent with its character and dignity, and it also led to considerable confusion, as no one knew when the Business appointed for those evenings would be taken. It was evident that the practice of counting the House out on Tuesday evenings had arisen from the House having conceded Morning Sittings to the Government on Tuesdays and Fridays; and it was not unnatural that when the House sat for five hours in the morning hon. Members should not feel very anxious to renew their labours at 9 o'clock in the evening. But he must say that he thought the former practice of the House with respect to the time when Her Majesty's Ministers might require Tuesday towards the close of the Session was infinitely better than the practice now introduced. Formerly Morning Sittings were never taken so early as they had been in the last two or three Sessions. He had known of late years Morning Sittings to be taken in May and June, and even earlier, and it appeared to him that the uncertain practice of granting Morning Sittings was generating an element of confusion in the conduct of the Business of the House. He thought it would be infinitely better that the House should revert to its former practice, and after a certain date in each Session, say in June, the House should devote Tuesdays entirely to the Government. He believed that the former practice of the House in this respect was very much more consistent with the ordinary conduct of Business. There was then a certain understanding among Members of the House as to what Business would be taken at certain periods, which enabled hon. Members to make arrangements and prepare themselves for the performance of their duties infinitely better than they could under the present practice. In order that other hon. Members might address the House on the subject, he would move the adjournment of the House.

Mr. WHALLEY begged to second the Motion, because he was one of those who had business on the Paper last night, but though the House was counted out he did not wish to arraign the conduct of any hon. Member. It would be entirely useless to do so, for the reason stated by the hon. Member for North Warwickshire, but after a long experience of that House, he ventured to call attention to the fact that the time had really come when, in deference to the common sense of the country, the anomalous, ridiculous, and unconstitutional course which now for many years they had adopted of meeting at 4 o'clock and extending their Sittings late into the night should be re-considered and altered. This was not a device for securing the despatch of business, but, on the contrary, was a deliberate conspiracy, he might say, on the part of both sides of the House to burk and suppress and prevent a due discussion of business. The evil lay much deeper than the hon. Member for North Warwickshire seemed to suppose, and the adoption of his suggestion would not remedy it. When Mr. Brotherton was a Member of that House he invariably moved its adjournment at midnight, and very properly so. Even the hour of 12 was an unreasonable and unnatural time for the transaction of Public Business, and he would suggest that the Sittings every day should be as on Wednesdays.

Motion made, and Question proposed,  
"That this House do now adjourn."—  
(*Mr. Newdegate.*)

Mr. SCLATER - BOOTH, said, he did not think he ought to detain the House for more than a few minutes. It was very natural, when a count-out took place, that some disappointment should be felt by hon. Members. For his own part, he had always considered it would be a good regulation if a count-out were not moved until after a certain period of the evening. But his hon. Friend had raised a different question — whether Tuesdays, at that period of the Session, should not be handed over to the Government. That was a proposition which would be acceptable to the Government; but it was doubtful whether private Members would agree to it. It had been said on several occasions that the rights of private Members had been disregarded this Session; but, by com-



parison with former years, he found that their Motions had occupied a large proportion of time this Session from which they had been debarred on former occasions. There was, no doubt, that many questions brought forward by private Members ought more properly to be introduced at an earlier period of the Session. He agreed that a more prompt transaction of Business was a subject worthy of the consideration of the Government, and he was sure they would give it consideration. He hoped the Motion would be withdrawn.

MR. MONK said, that no one was more anxious to preserve the rights of private Members than he was, but he thought that at so late a period of the Session the Government ought to have Tuesday mornings, and he did not see why they should be expected to bring down all their Members at 9 o'clock to keep a House if private Members did not consider the subject brought forward of sufficient importance to induce them to make a House for themselves. When, however, there was such a plethora of Business it was most desirable that Tuesday as well as Friday evenings should be utilized, and not wasted.

MR. P. A. TAYLOR thought the independent Members of the House were greatly indebted to the hon. Member for North Warwickshire (Mr. Newdegate) for the attention which he had given to their interests, not only on that occasion, but on former ones, and he hoped the hon. Gentleman would take into consideration whether in another Session he could not mature some plan to remedy, in some degree, that which had now become a most intolerable evil. He agreed with the hon. Member for Peterborough (Mr. Whalley) that the most effective mode of remedying the evil now experienced was to return to the old and much more satisfactory practice of Day Sittings; but if that were impossible, he would venture to suggest that when the Government proposed Morning Sittings they should set them apart for private Members, and take Government Business at the Evening Sitting. As an illustration of the way in which counts-out were organized, he might mention that on a late occasion when he moved for Returns of Crime and Punishment in the Navy, and when a counts-out was effected, a Government emissary had been sent round the House, and

shortly afterwards hon. Members dropped out by twos and threes, while outside a cordon was formed to prevent hon. Members from entering.

MR. PELL complained of a very inconvenient proceeding with regard to Notices. The friends of a Member who was to bring on a Motion sometimes put their names down on the Notice Paper, in his absence, thereby increasing his chance of bringing the Motion on at an early period. That was a practice which ought to be checked by allowing only one Member to put his name down for a friend.

MR. NEWDEGATE, after the discussion which had taken place, intimated his wish to withdraw his Motion for the adjournment of the House.

MR. MITCHELL HENRY, before the Motion was withdrawn, desired to call attention to a practice of which, he contended, private Members had a right to complain. When a Motion was brought forward on going into Supply by one of their own supporters the Government were in the habit of getting the Motion negatived without a division, though there had been no intention to divide the House upon it. The result of that was no division, according to the Forms of the House, could be taken upon questions brought forward afterwards, although they might refer to matters in which it was very desirable to test the opinion of the House. It was useless for the Government to appeal to the forbearance of private Members if they resorted to manœuvres of this kind.

Motion, by leave, *withdrawn*.

#### POOR REMOVAL BILL.

(*Mr. Downing, Mr. French, Mr. Power, Mr. Shaughnessy.*)

[BILL 59.] SECOND READING.

Order for Second Reading read.

MR. M'CARTHY DOWNING, in moving that the Bill be now read a second time, said, that Irish Members had been often told that if they were to devote their attention to real grievances, Parliament would not only give them a hearing, but afford them redress. The subject with which this Bill dealt was a grievance of great hardship and long standing. Years before he had a seat in the House, it had occupied his attention as a Guardian of the Poor,

and many cases of cruelty and oppression had come under his notice which he felt it was the bounden duty of the Imperial Parliament to correct. In March, 1871, he introduced a similar Bill, and then, as now, found it impossible to obtain an early day for its discussion. He then put an abstract Resolution on the Paper, but, though he was first in order, his Scotch Friends took care to have the House counted out. In the same year, he put a Question to the right hon. Gentleman the Member for Halifax (Mr. Stansfeld), the then President of the Poor Law Board, as to whether the Government intended to act upon the repeated promises they had made, and thereupon the right hon. Gentleman gave an undertaking in that House, that during the then approaching Recess the heads of the three Departments, England, Ireland, and Scotland, would meet and consider what remedy should be applied to the complaints and wrongs which arose from the removal of these poor persons to Ireland. The object proposed to be secured by the measure was to amend the law by which Boards of Guardians in England and Parochial Boards in Scotland could remove to Ireland persons born in that country and their wives and children, who might have received relief from the poor rate. The Act in England which he sought to repeal was the Act of 1849, which enacted that any two magistrates might make an order for the removal of any person, whether Irish or Scotch, or even in the Channel Islands, from the place where they had received relief to their native parish. That law led to a great deal of oppression and cruelty, and in 1856 an Act was passed rendering a pauper irremovable, provided that he had resided five years in a particular parish. In 1859, after an inquiry by a Select Committee, the residence was reduced to three years, and, in 1865, the period of residence was reduced to one, and the area of residence extended from the parish to the Union. Thus, an Irishman after receiving relief in any Union in England in which he had been resident for 12 months became irremovable. But he obtained no settlement, and if he had not resided for 12 months in the Union in which he was relieved, he lost the protection of the law. He had known men who had spent their whole lives, from five years to 60 years of age,

in this country, who had lived 20 years in the Union, and 10 years in one parish, and who had yet been sent back to Ireland in their old age. The Irish pauper in Scotland was still worse off. There the law was that a man must have resided five years in the same parish before he was irremovable; but he lost his right to protection if within the next five years he changed his residence, and did not live for a year in the parish to which he had removed. He asked if it was right that, in this United Kingdom, an Irishman who had spent a considerable part of his life in Scotland, and who might have to go from one part of the country to another in order to obtain work should be obliged to reside five years in one particular parish before he obtained protection? With regard to the cruelty and inhumanity involved in these removals, he would refer the House to the opinions of Adam Smith, Mr. Pitt, and Sir Robert Peel, who had all spoken in opposition to them, and further he would remark upon their uselessness, for in nine cases out of ten they were made in vain, because the persons removed found their way back. When the father and mother were separated from their children, they were sure to come back, and if they had not the means the charity of the Irish people would supply them. It might be said that the hardship of which he complained existed within Scotland only, as between the Highlands and the Lowlands; but that was no reason why he should wish for the further extension of a bad law. He believed that, what between litigation and the expenses of removal, the cost of the present system was greater than would be that of an equitable system of removal. They had no power in Ireland to send an Englishman back to the place of his birth, and if they wished to maintain the Union they should apply the same law to all the Three Kingdoms. One of the great objections to a change in the present law was, that it might lead to an influx of Irish paupers into Liverpool and other great towns; but he proposed to meet that objection by the Bill before the House, which consisted, he might say, of a single clause, the principles of which he had adopted from a speech made by Lord Palmerston in 1854. It was to the effect that if a person should have maintained himself for 12 months by some industrial occupation in England, Wales,



or Scotland, he should be incapable of removal. What he maintained was, that if a man came over to this country *bond fide* with the view of giving it his labour, he should be irremovable. When Mr. Baines was at the Poor Law Board, in 1854, he brought in a Bill to abolish removal in England and Wales, and he pointed out that in one year there had been 16,047 persons removed. The Bill would have readily passed; but it was defeated, as he hoped other Bills would be, because it did not do justice to Ireland. A deputation of Irish Members waited on Lord Palmerston, then Home Secretary, and he said that the Memorial which they had presented had been taken into consideration by the Cabinet, who were of opinion that the case was irresistible, and that the wishes of the Irish Members ought to be complied with. But Mr. Baines, offended that such an answer should have been given without his being consulted, resigned, and the Bill was withdrawn. Removals to Ireland often occurred within half-an-hour of the time when the order for removal had been signed, the head of the family being sent on board the vessel at once and the family sent afterwards. In the eight years between 1846 and 1854 no fewer than 41,735 removals had occurred from England to Ireland, many of them under very distressing circumstances. If a pauper who had been removed returned to this country, he was liable to be imprisoned for two months with hard labour. The statistics of the number of removals from one Union to another and from one district to another, at a great cost and under circumstances which caused great suffering to the families thus treated, showed that Irishwomen who had married in England, and all of whose children had been born in England, were taken forcibly, threatened with handcuffs if they resisted, and sent to Ireland, merely because their husbands happened to be absent seeking for work, and the wife applied for assistance in the Union or parish where they were resident. He contended that the authorities had in many of these cases entirely set aside the decision of the Court of Queen's Bench in separating wives from their husbands and children from their fathers. These poor people were sent over to Ireland, and nothing was known about the warrant of removal until they arrived at

the place to which they were sent. He submitted that it was most cruel and unjust to transport them in this manner, without allowing them to appeal against the orders for their removal, as had been done, notwithstanding the continued remonstrances of the Irish Poor Law Commissioners. Mary Hoggan, the wife of a marine serving on board one of Her Majesty's ships, with four children, had been removed from the Greenwich Union to the Skibbereen Union, in the county of Cork. Her case was brought before the Board of Guardians, and the particular attention of the Poor Law Commissioners was directed to it. She was sent back with her family to England, and there they remained, their removal having been illegal, under the decision of the Queen's Bench, to which he had referred. But the law in Scotland was still worse. Not only were Irishmen who had spent 20 or 30 years in Scotland, creating the wealth of her citizens, removed to Ireland when they became chargeable, but the inmates of lunatic asylums were, against law and remonstrance, sent over manacled to some Union workhouse in Ireland without notice and without any power of appeal against removal. There was no remedy in such a case. The right hon. and learned Gentleman the late Lord Advocate of Scotland, when appealed to on the subject, and reminded of the decision of the Court of Queen's Bench, admitted the fact, but added that he thought the decision of the Judges in 1869 was rather a straining of the Act, and that if the question were tried in the Scotch Courts, he believed the decision would be different. What benefit could England or Scotland derive from such a law? Six out of seven of those removed from England to Ireland found their way back. Of 156 sent over from Scotland, only 36 were now in the workhouse. Where had the remainder gone? They certainly were not dead. In the City of Dublin Asylum there were 19 lunatics from England and seven from Scotland, some of whom had been maintained there for 40 years at an expense of £21 per annum. But Scotland under the Poor Removal Act had, in some recent cases, sent over to Ireland dangerous lunatics in manacles. In one case a lunatic, a blind man, sent over manacled, had found his way back. It was impossible to denounce too strongly the evils



arising from the law of removal and settlement, which ought, as soon as possible, to be removed from the Statute Book, and if the people of England were aware of the evils inflicted under it, inhuman as it was, it would not continue in existence for two years. It was most unjust to the people of Ireland without conferring any benefit whatever on this country. He thought he had proved the existence of a great grievance, and trusted that the House would show to the people of Ireland that whenever a grievance really existed it was prepared to remove it. He begged to move the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."—(*Mr. M'Carthy Downing*.)

MR. MARK STEWART, in rising to move that the Bill be read a second time that day three months, said, he felt that the hon. and learned Member opposite (*Mr. M'Carthy Downing*) had made an able speech from his point of view, but it was necessary to look at the question from a statesmanlike view—that was, through hard facts. He was satisfied that the question demanded prompt attention on the part of the Government. It was not equitable or just that there should be one law for Scotland and another for Ireland, and he felt that the Irish Members had a great cause of complaint in the fact that Ireland was not able to send to England and Scotland Scotch or English paupers. He did not propose to go very thoroughly into the question of settlement. He was prepared to advocate reforms which would allow Ireland to send back to Scotland the Scotch paupers, and so far to assimilate the law of the two countries; but to propose a law to the disparagement of Scotland and England, and wholly in favour of Ireland, would be not only unfair, but simply monstrous. At the same time, he hoped the question would not escape the attention of the Government, and that there would be submitted to Parliament some comprehensive scheme by which the law of settlement and removal would be placed on some satisfactory footing. The law at present was so varied and complicated that there could be no doubt that some great questions of grievances and hardship similar to those which the hon. and learned Member brought before the notice

of the House must exist. The hon. and learned Gentleman had alluded to the differences in the law of Scotland, England, and Ireland on the question. There were discrepancies more remarkable than any that had been alluded to. He need not trouble the House with the law of Ireland, but the Bill under consideration took into no account the inequalities and distinctions in the various Acts, but attempted to legislate as if Ireland alone was concerned; it did not recognize the existing laws of Scotland and England. The Proviso in the Bill in reference to the 12 months' residence had been interpreted to meet the case of persons going over to Scotland with a *bond fide* intention of getting work. But that matter would have to be far more fully explained than it was by the present Bill before any Government could entertain an idea of dealing with it. What was an industrial occupation? It would cause some amusement to the House, if that point were gone into. Was an industrial occupation the selling of lucifer matches, or did it consist in a man adopting the guise of a minstrel, and going about and collecting a few pence? Or, possibly, it might be that some Irish vagrant might be industriously employed where he practised those arts of quackery in medicine of which they had recently read in the newspapers. In his opinion, the Bill was very much more comprehensive than was generally supposed on either side of the House; for he thought its effect would be, if it were passed, that the Irishman on reaching Scotland would import Irish law with him, and instead of requiring a five years' residence to obtain a settlement, he would, after a 12 months' residence, be entitled to claim relief, not in any particular parish, but in any part of the country. He would, therefore, just look at the principal facts connected with the question. The relief system in Ireland was totally different from that of Scotland, and in many respects he thought it was a great deal better. He conceived that they had in Scotland the very worst form of poor relief, because the paupers were generally relieved on the out-door system. The Irish system was, on the contrary, almost entirely one of work-house relief. In Scotland, on the contrary, they had sometimes a workhouse very little used by the generality of the

parishes belonging to a Union. What was the consequence? Their poor in Scotland were, he was afraid, on the increase, but he believed it was found to be otherwise in Ireland. But, again, the workhouse system in Ireland was much more efficiently and economically managed than in Scotland, and the diet of a pauper was not attended to in Ireland with the same degree of lavish expenditure that it was in Scotland. As he understood it, meat was never thought of in the Irish workhouses. He had seen something of the management of workhouses in Scotland, and there they were very particular in the meat tenders for the paupers. No out-door relief being given in Ireland, and the dietary in Scotland being of a superior kind, it followed that Irish paupers were very glad to have some excuse to go over to Scotland, and when they got there to stop there. No wonder there was an anxious desire on the part of the Irish Members to get rid of Poor Law removal, because, if Irish harvestmen and people of that kind went over to Scotland and stayed there three months, there was no doubt that they would remain in the country to the end of their days. Harvestmen were sometimes brought over for the small sum of 1s., and that was another argument against the withdrawal of the Poor Law Removal Act. Let them take the not very improbable case of a woman with a family, who might on some pretext as to harvesting cross over to Scotland, and there remain, acquire a residence, and marry a man who might have no residence, she would no doubt, be dependent upon his mode of procuring existence as long as he lived. But supposing anything happened to him, what would become of the woman? That woman in Scotland would be a pauper the rest of her days, but by the law they could send her back to her parish in Ireland, and they would be relieved of her altogether. He believed a great number of hon. Members sympathized with him when he stated that Scotland was quite prepared to take her poor people back from Ireland, and he would be very glad to support any Bill brought in with that object; but to say they were to have upon their hands any Irish after 12 months' residence in Scotland was neither fair nor just. If they were, it would open a door very widely for the purpose

of imposing a very unfair and unjust burden on the poor rate of Scotland. A great deal had been said by his hon. and learned Friend opposite as to the extreme hardship and cruelty of the law in its operation. Let him put before the House the real facts. In England a warrant signed by two justices of the peace was quite sufficient to secure removal, while the medical practitioner on his conscience gave a medical certificate. In Scotland the arrangements were, like those in England, devoid of anything to justify a charge of hardship. The persons were sent to the parish or Union, whichever the Scotch authorities thought most expedient. A copy of the order for removal was sent to the Board of Guardians, and the master of the workhouse received notice and was compelled to receive paupers. In order to provide against extreme hardship, children under 14 years of age were not to be removed between October 1 and March 31. That was the great cruelty which his hon. Friend inveighed against. He held in his hand a number of letters from different parts of the country stating what would happen if the present law were abrogated. Take the case of Liverpool. He had a return furnished to him by the clerk of the Select Vestry of the Poor Law Guardians of the parish of Liverpool. The number of paupers removed in 1870 was 119; in 1871, 57; in 1872, 81; in 1873, 50; and in 1874, 103. Liverpool contained a population of more than 100,000 Irishmen, and in the parish in which he understood the greatest number of them resided, in five years the returns gave a total of 412 persons removed to Ireland. In nine years there had been 1,168 removals, and as there had been 412 in the last five years, there were in the previous five, 756. From that fact he gathered that the number now being sent over was very materially diminishing. As to the cases of hardship, it might be proved that the grievances were more imaginative than real. It was stated as a grievance that people had not been long in Liverpool before they were seized and sent off to Ireland at once. There were good reasons for such a course. He would give several. First, a vast number of pregnant women came to Liverpool for the purpose of getting into the workhouse there to be confined. Was it desirable that those women should be

*Mr. Mark Stewart*

kept in Liverpool merely to increase the rates when they had their own parish to go to? Then, again, destitute persons in large numbers came over at the instigation of the agents of mendicity societies in Dublin and other large towns, and would it be wise and expedient that the Poor Law Guardians of Liverpool should retain such persons to swell the rates of that town? Again, there were many men and women who arrived at Liverpool under the pretence of finding work. They did not come over to work, they did not want work and would not work, and their object was to patrol the streets and wander about the country. The Liverpool Board of Guardians had accurate knowledge of many cases, and as the law stood they were justified in acting upon it and in sending these persons back to Dublin as soon as they reached Liverpool. Returns from other places also showed a gradual diminution in the number of removals, while from many parts of Scotland there had been none at all, and these facts suggested that the grievances of Ireland were to some extent more imaginary than real. He would mention a few further facts in regard to the removals from the capital of the North. During the last five years 132 had been removed to Ireland; in the last eight years the number was 408. That showed that the law was not carried out with the intentional severity with which they had been led to suppose it was carried out. He would now take Glasgow, a place with an enormous population; in fact, it contained one-fifth of the inhabitants of Scotland. On the authority of the Chairman of the City Parochial Board and chairmen of other bodies, he would give a few figures. They said that not fewer than 25 per cent of the paupers were natives of Ireland or their descendants, and that the influx of Irish was actually pauperizing the country. In 1873 some 75 persons were removed, and last year the number was 41, but of the 75 there were no fewer than 10 lunatic poor, and of the 41 nine were lunatic poor. From Greenock during the last five years about 50 paupers had been removed. During the last five years there had been 25 persons removed from Paisley, where there was an enormously dense population. A gentleman of great practical intelligence, who had had a long experience of the question, told him that if the Bill

became law—"The workhouses in Ireland would become vacant, and the poor rates in Scotland doubled." In another place only two cases of removal had taken place for many years, while in Dalbeattie and other boroughs he found no cases at all. He wished to quote the opinion of a clergyman of good position living in a large parish at a place nearest to Ireland. The clergyman had always taken a deep interest in the Irish poor. What did he say? He said that the Irish element was the chief cause of the pauperism at present, and seeing—

"That we are making every effort to improve our condition, I hope we shall have no legislation which shall make us worse than we are now."

He might mention that in Liverpool the cost of removal was 35s. a-head. The great distinction between Scotch paupers and Irish paupers with reference to this question was that the latter, unless they were forcibly removed from Scotland, would not go back to Ireland; while the Scotchmen did not go over to Ireland. There had been two or three fruitless attempts at legislation on this subject. In 1863 a Bill was brought in which proposed to enact that paupers should not be removed after a residence of six months. In 1871 another Bill was brought in which would have prevented English Boards of Guardians from removing any Irish pauper back to Ireland. The present Bill was an improvement on those measures; but he could not suppose that the House would adopt the measure as it stood, for by it there was not the smallest doubt they would increase local rates. It would be unjust in its operation, it would not be beneficial to Ireland, while most certainly it would be most injurious to Scotland. He begged to move the rejection of the Bill.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."—(*Mr. Mark Stewart.*)

MR. KAVANAGH said, he had failed to gather any reason for rejecting this Bill from the speech of the hon. Member who had moved the Amendment (*Mr. Mark Stewart*). He was quite certain that if Irish Boards of Guardians had the power of sending Scotch paupers back to Scotland, they would scorn to use it. It had been said that what filled Scotland with Irish paupers



was, that in Ireland no out-door relief was given, and that consequently the Irish poor were attracted to Scotland by the more liberal treatment which they there received. He could only say that such a statement did not accord with the popular estimate of the Scotch character and institutions. It was a mistake, also, to say that no out-door relief was given in Ireland; he was acquainted with the practice in many Poor Law Unions in the South and West of Ireland, and he knew that they gave out-door relief to a great extent, and if the object of the Irish pauper was to get out-door relief he could obtain it by staying at home. He supported the principle of the Bill, because it had for its object the removal of the most flagrant cause of complaint which the people of Ireland had against their English and Scotch fellow-subjects. The injustice was indeed so palpable, that it did not require much proof, and he had hoped that the plain and patent merits of a Bill which removed the injustice would have recommended it to the House, so that it would have passed without opposition, and that no one would have advocated a continuance of such arbitrary and unjust power. When a man had been wasted by labour and when he had enriched by his toil his Scotch employers, they liked to retain the power of sending him back to the land of his birth. If he supported this Bill on the ground of justice, it was also necessary on sanitary grounds. The power of sending back Irish paupers to Ireland was one of the causes of the fatal outbreak of small-pox in that country in 1871, from which no fewer than 647 deaths resulted. It had been proved that that terrible disease had been imported into Belfast from Liverpool by an Irish pauper named Wilson, who was afflicted with it, and was sent over to Ireland by the power vested in the English Poor Law Guardians. Up to that time, the district of Belfast—and, in fact, the whole of Ireland—had been remarkably free from disease. Another reason why the Bill should be accepted was, that it would do away with the application to Ireland of the most objectionable provisions in the English law of settlement. That law gave the Poor Law Guardians an arbitrary and unconstitutional power of interference with personal liberty which no other body could exercise save in the case of crime,

and he did not think that either the public or the House of Commons were prepared to regard poverty and destitution in that light. For these reasons he hoped that the House would read the Bill a second time, thereby affirming its principle, but leaving itself open to deal with the details hereafter in such manner as might appear most advisable.

MR. STANSFELD hoped the House would not be persuaded to go into the Lobby on the Amendment of the hon. Member for the Wigton Burghs (Mr. Mark Stewart), and that the hon. and learned Member for Cork (Mr. M'Carthy Downing) would not press his Motion to a division. He could not agree with the hon. Member for the Wigton Burghs that such an alteration of the law as that proposed by the hon. and learned Member for Cork would be a kind of barbarian legislation. It should be remembered that there was now no superabundance of labour either in this country or Scotland, and that, on the contrary, there was a demand for Irish labour both in this country and Scotland. He thought his hon. and learned Friend had clearly proved the existence of a grievance, though perhaps a diminishing one, and had indicated an object which should meet with general support. Although thus sympathizing with the general purpose of the Bill, he could not support it in its present shape, on account of the defective machinery it provided, and he did not think that any amendment of it would fit it at present for the purpose at which his hon. and learned Friend aimed. His hon. and learned Friend did not touch either the law of settlement or the law of removability; but he proposed so to alter the law as, while it would not disturb the relations between the Unions, would introduce and establish a new law as between England and Ireland and Scotland. He (Mr. Stansfeld) should be disposed to look at the Bill as a measure relating to a mode of redressing a grievance rather than a Bill for the purposes indicated in his speech; and he thought the House would agree with him that the difference of the law in the three countries upon the subject made it a question of such magnitude and complexity that it ought only to be taken up by the Government; and he therefore again hoped his hon. and learned Friend would not press the second reading.

*Mr. Kavanagh*

The simplest solution of the question would be in the total abolition of settlement and removability, and Mr. Baines introduced a Bill for accomplishing those objects. On the question of the abolition of the law of settlement there was considerable difference of opinion, and he must say there was a growing feeling and opinion in the country in favour of its abolition, but as far as his observation went the feeling was not yet general. It was argued that the existence of the law of removability operated as a rough test of pauperism, and the operation of the law as a deterrent and as a test was not to be measured by the number of removals, but by the number of applications for relief that were withdrawn in consequence of the threat to put the law in force. In that way it was regarded as of considerable value; but notwithstanding that assertion, it was found to operate with great harshness. His hon. and learned Friend was right in saying the administration of the Poor Law in Ireland was stricter than in this country. If they looked at the operation of law in this country, and allowed an Irishman to remain without interruption wherever they might see him, that would tend to what he might call a delocalization of the Poor Law, and render it national, and although there was a growing feeling in favour of irremovability, he felt that the time was not yet arrived when it could be attempted. A conference on the question of removability and the law of settlement had taken place, but there were differences of opinion on the subject. A friend of his proposed a law of industrial settlement after three years of residence, and if that were agreed to, it would have general application, and would prove a great improvement in the law. He agreed in the general object of his hon. and learned Friend, and he wished they could devise some means by which they could improve the law. It appeared to him that a man who gave his years of labour to the country ought not to be removed out of it, and that his settlement ought to be an industrial, and not a birth settlement, and then they could fall back on the question of irremovability, and say that a man who had not acquired a status of irremovability should be relieved in the workhouse, but not out of it. If his right hon. Friend the President of the Local Government Board was prepared to say,

as he trusted he would, that the whole subject of settlement and removability was ripe for consideration during the Recess, and that it would be so dealt with as to apply equally to England, Ireland, and Scotland, he trusted that his hon. and learned Friend would not press his Bill to a second reading.

MR. ROEBUCK, having always maintained that the Government and the people of England were inclined to do justice to Ireland, pointed to this as an opportunity for proving what he had so often asserted. It was very easy for official minds to take small things and invest them with large words, and so puzzle people, but he contended that this was a case of the simplest nature. A grievance was felt, and felt very keenly, by the people of Ireland. That grievance had been put before the House in all its naked deformity and hideousness by the hon. and learned Member for Cork (Mr. McCarthy Downing), and no man could say that he did not now thoroughly understand it. They had just been told the Bill involved the whole question of the law of settlement. It was necessary to brush such arguments away. There was no need to puzzle themselves about that question at present. A clear case of grievance had been put before them, and the simple question was, how could they reform it? The case was simple and easy. The grievance was a large one, not because of the number of persons immediately concerned, but because of the intensity of the hardships suffered in the cases of persons cited in support of the Bill. Irish labourers came over to England, and spent the whole of their lives here, devoting their best services to the country, and working honestly and hardly in their way of life. When they had done their duty and attained old age, being no longer able to sustain and maintain themselves, did it become the honour and dignity of this country to cast them out, to throw them back on the bare shores of Ireland, and say—"We have done with you; you are a sucked orange; you are of no further use to us; go back to where you were born, and let those maintain you who brought you forth?" He would tell the House that it did not become the honour, the dignity, and the generosity of this country to act in this way. Nothing would be easier than to make a law enacting that when an Irish-

man or an Irishwoman had worked for one year in this country, and had thus obtained a settlement in any parish in England or Scotland such person should not be liable to be removed and sent back to Ireland. The thing was clear and simple, and could be done in a few words without going into those large general questions to which the right hon. Gentleman the Member for Halifax (Mr. Stansfeld) had attached so much importance. He (Mr. Roebuck) represented a constituency in which there was a large proportion of Irishmen, and he had some claim therefore to represent the public feeling in regard to them. Generally speaking, up to the present time the Irish population in the large towns of England had not been quite fairly dealt with. They were very kind, honest people, but they were very boisterous and noisy, and sometimes troublesome, and that aroused some feeling against them perhaps; but he was quite prepared to say that the English people were not willing that any injustice, such as that exposed to-day, should be laid to their charge, and, on the contrary, they would wish such a blot to be removed from the Statute Book. He asked the Government not to be misled on this simple matter by general considerations, like their Predecessors, but to do the honest thing by the people of Ireland. It would do no harm to England or Scotland, and Ireland would be bound to say that justice had been done.

MR. TORR said, the hon. and learned Gentleman the Member for Cork (Mr. McCarthy Downing), in his opening remarks, said he could establish a great grievance to the Irish people in the operation of the English Poor Law. He (Mr. Torr) believed that it was characteristic of Irishmen to say that they could establish grievances, and also that they could establish facts. The grievances of which the hon. and learned Member complained arose, not from the existing law, but from a violation of the law. How were the Irish poor dealt with in the borough of Liverpool, which he (Mr. Torr) had the honour to represent? An Irishman who claimed Poor Law relief was brought before the magistrates, and was asked whether there was any reason why he should not be sent back to Ireland. If he could say with truth that he had resided 12 months in

the parish, he was entitled to relief, and could not be sent back. If, on the other hand, he could show no reason against being removed, he was examined by a medical man, and the warrant, which must be signed by two magistrates, could not be made out unless upon a medical certificate that there existed no physical reason why the man should not be sent to Ireland. Then, as to what had been said about hundreds of poor Irish people being hurried on board ship like cattle or pigs, conveyed to Cork or Dublin put out on the quays, and told to go to Hades or to Heaven—the picture was an imaginary one. No such thing was done. An officer was appointed to accompany the paupers, and he was bound to cross with them, and 35s. per head was allowed as cost for sending them over. Thus the paupers could not have been treated in the manner alleged, when such a sum per head was paid for them. The hon. Member for Carlow (Mr. Kavanagh) drew a very vivid picture. He said that the Irish were just and honest, and that they were treated unjustly by the operation of the English Poor Law. How, he (Mr. Torr) would ask, were they brought over here from Ireland? He could tell the hon. Gentleman that great numbers of poor decrepid infirm Irish men and women were brought over at 1s. a-head, and the moment they arrived in England they required relief. Well, now, where did the honesty begin? Was it, he asked, right that he (Mr. Torr), who never saw the face of one of those paupers, should be called upon to contribute to rates for their relief? Would it not be more honest in those among whom they had lived all their lives to provide for them in their poverty? And let it be borne in mind that the hon. and learned Gentleman the Member for Cork said the paupers' friends in Ireland paid the money for sending them over here. Was that "Home Rule?" He did not speak of the able-bodied. Those who could work were welcome, and work was found for them. Nearly all the work on the quays of Liverpool was done by Irishmen, and respecting them, his hon. and learned Friend the Member for Sheffield (Mr. Roebuck) appealed to the feelings of the House, saying—"Why should ye act in this manner to the Irish, and say to them, begone? You are a squeezed orange, and no longer of use to us."

*Mr. Roebuck*



He (Mr. Torr) must say that that could not be done, and that in his own parish, a man who had resided and worked in it for 12 months, could not, by the law of England be so treated. The hon. Member for Carlow referred to cases of small-pox and scarlet fever having been imported into Ireland from Liverpool, by poor persons afflicted with those maladies having been sent over as paupers, and stated that 600 or 700 deaths had resulted from the infection. But what did Liverpool suffer as compared with Ireland, from the thousands and tens of thousands of Irishmen who were sent over every year without a medical certificate? But when they were sending paupers back from England they were furnished with medical certificates. There was, he must say, something in the Irish mind which the English could not comprehend. He must say that, looking at the whole case, and seeing that the effect of passing the Bill would be to throw a mass, not of industrious, but of pauperized Irish people into the large towns of England to be supported by the ratepayers of those towns, he was prepared to give his support to the Motion of his hon. Friend, that the Bill be read a second time that day three months.

MR. FRENCH, in supporting the second reading, denied that decrepit and infirm Irish people were sent from Ireland to Liverpool at 1s. a-head, as had been asserted. The hon. Member who spoke last (Mr. Torr) did not even allude to the grievance which the Bill was intended to remedy. It was this—that an Irishman who had resided in an English town for 40 years, working and spending his means there, contributing to the wealth of the country, and knowing nothing of Ireland, and having, perhaps, no friends there, lost his settlement by removing into another part of the town, and was liable, if unfortunately he was compelled to seek relief, to be removed, not to the Union in which he had lived and laboured for 40 years, but to Ireland, which probably he had quitted when a child. To him it would be comparatively an unknown country, and what was he to do there in his old age? Surely that was a grievance and a hardship for which a remedy should be found.

MR. M'LAREN said, he would rather not have spoken in that discussion, and perhaps might not have done so, had it not been that his hon. and learned

Friend the Member for Cork had referred to the city which he (Mr. M'Laren) had the honour to represent, and, beginning with the local Poor Law authorities, going next to the Board of Supervision, and ending with the Lord Advocate, accused them all round of violating the law and of not understanding it. Curiously enough, his hon. and learned Friend, who understood legal matters well, had told them that the ground of this accusation was that none of those authorities had sufficiently respected the judgment of the Court of Queen's Bench; and had said a great deal about an Act of Union with which he was acquainted. But the Scotch had an Act of Union 100 years older than that referred to by his hon. and learned Friend, which said that the Court of Queen's Bench, or any other Court in Westminster Hall, should not have any jurisdiction whatever in Scotland. Why, then, should the Lord Advocate or the Poor Law authorities be taken to task because, forsooth, they did not choose to give effect to the dictum of the Court of Queen's Bench? His hon. and learned Friend knew quite well that the laws of the two countries were entirely different, and that if in Scotland effect had been given to the decision of the Court of Queen's Bench, they might have acted illegally and in violation of the laws of the country which they were bound to respect. He admitted his hon. and learned Friend had made out a grievance, and while he should be delighted to see that grievance removed in a proper way, he altogether objected to this Bill, because it was asking for special privileges for Irishmen. In every Bill that had come before that House, whether as regarded the extension of the franchise or anything of the kind, he had always, with what little power he had, advocated equal rights for Irishmen, and he should advocate equal rights also in regard to the Poor Laws. But this Bill asked for special privileges for Irishmen, and refused to give equal rights to Scotchmen. ["No, no!"] He should show that that was so. The Bill affected Scotland much more than it did England, because their law of settlement was one of five years' duration, while the law of settlement in England was for a year only; and what did the Bill do? If a person from the most remote part of Scotland—say, from Orkney, Shetland, or the Western Isles

—came before the Poor Law authorities of Edinburgh or Glasgow, and wanted to be put upon the Poor Law there, so as to get relief either in-doors or outside, the question asked him was—"How long have you been residing here—five years?" and if he said "No," then he was sent back to the parish of his birth; but if the Bill passed, an Irishman would come, and when asked whether he had resided not five years, but one only, he would reply—"Only one, but I am an Irishman; I am a privileged person, entitled to a right of settlement after one year, and you are bound to take me, because I have resided one year within your jurisdiction." That was not equal rights. Then, if a poor Scotchman went to Ireland and told the same story; if he said—"I have lived for one year in Ireland, and I want Poor Law relief," what did the Poor Law authorities say to him. They said—"We have no system of settlement in Ireland, and you cannot get relief." ["No, no!" *from the Irish Members.*] He would show the House that he was correct in what he said. The authorities would not give that man a settlement in Ireland though he had been one year there, or even two, three, five, ten, or twenty years; in fact, they would not give him a settlement at all under any circumstances. [Mr. M'CARTHY DOWNING: We give him relief.] They gave him relief, no doubt; but they did not give him a settlement. That was not what was asked, however, for Irishmen in Scotland. The hon. and learned Member for Cork did not ask for them temporary relief. There was no difficulty about temporary relief. Temporary relief was never refused to poor Irishmen in Scotland. The difficulty was about a settlement, and if a settlement were asked for an Irishman in Scotland, why did Irishmen refuse to give a settlement to a Scotchman? He begged to say that he had given a fair statement of the import of this Bill in regard to its leading feature. He said it was a most unfair Bill, and he objected to it because of its unfairness. Then, again, look at the general result. He was not going into any statistics, but he would state merely sufficient for the purpose of his argument. If they took the population of Scotland and that of Ireland, and compared them in any way they liked, they would find that for any given

number of thousands or millions in Scotland they got many times the number of persons who received parochial relief, either in Union workhouses or in the form of out-door allowances, that they did in Ireland—that was to say, probably three times as many people were assisted out of the rates in Scotland per 1,000 as were assisted out of the rates in Ireland. Well, everybody knew that one cause at least of this was that practically there was no out-door relief given in Ireland; the poor applicants were told that they must go into the great workhouse or semi-prison. If they wanted permanent relief, they must go and receive it there. They knew very well, on the other hand, that the Irish Celts, like their Highlanders, detested above all things being imprisoned—whether it was in workhouses or anywhere else. They looked upon residence in the workhouse as the loss of personal liberty, and they would go and beg, and do anything whatever rather than go into the workhouse. Therefore, before any Bill of this nature could pass, he ventured to state that the law of the three countries should be assimilated as regarded settlement; that the Poor Law administration of Ireland should be liberal like that of Scotland; that the law of settlement should be fixed and determined in Ireland as it was in Scotland or England. His hon. and learned Friend the Member for Cork did not come there with clean hands, because he had not got any of those things done in Ireland; and he was asking for exceptional privileges for Irishmen in England and Scotland. His hon. and learned Friend had referred to the case of six lunatics in Dublin as one of great hardship, and he said—"They are from Scotland." Whether they were Scotchmen or Irishmen he (Mr. M'Laren) knew not. But his hon. and learned Friend would remember that in consequence of a former complaint of his, he (Mr. M'Laren) took the liberty of moving for a Return to show the number of lunatics maintained in Ireland and in Scotland of each nationality, also the number of persons of each nationality receiving out-door relief; and when that Return was presented, which he hoped might be soon, they would then obtain more light upon that subject. Then another strong point which his hon. and learned Friend had made was in contrasting the

injustice which was done to the Irish pauper as compared with the Scotch. He said—"What do you do in Scotland?" Before you remove a man from a central point to a distant part you write to the parish of his birth, and tell that parish that you are going to send him there, and ask that they will maintain him where he is, and the result generally was that the parish of his birth say—"Very well, you give him half-a-crown a-week and we will repay you." Well, that would be a grievance indeed if the parishes in Ireland were under the same law; but if a person claiming parochial relief in Scotland belonged to the parish of his hon. and learned Friend in Ireland, the authorities in Scotland could not write to the parish of his hon. Friend and ask them to maintain that person in Scotland; because there was no law in Ireland to authorize any payment of the kind. Well, then, let his hon. and learned Friend bring in a Bill with a clause in it to provide that it should be competent to the parishes in Ireland to maintain their poor in Edinburgh, Glasgow, or anywhere else in Scotland or England, just as it was competent for the people of Orkney or Shetland to maintain their poor in Edinburgh and Glasgow, which in many instances they did. These were some of the considerations which he was anxious to bring before the House. He might bring others but that he did not wish to trespass at any length upon their time, and he would conclude by saying that, considering the Bill to be unjust, and that there were other and better ways of removing a grievance which he admitted existed, he could not give his support to the second reading. What should be done was to, as he had said, assimilate the law of settlement in England and Scotland, and provide a similar law of settlement for Ireland, and give the Irish parishes an optional power to pay for their paupers residing in England and Scotland who had not acquired a settlement through insufficiency of residence in those countries.

SIR JOSEPH M'KENNA said, that the hon. Member for Edinburgh (Mr. M'Laren) was always found on the friendly and liberal side when Irish matters were discussed, provided that they did not touch the pockets of Scotchmen or his constituents. He favoured

them with a large amount of cheap support. The hon. Member had complained that the Bill involved no reciprocity. He (Sir Joseph M'Kenna) said there was no reciprocity whatever now. If Scotchmen went to Ireland and became paupers, they got relief at once, wherever they might happen to be—"No, no!"—at all events, they got as much relief as the Irish got. He considered the argument of the hon. Member for Liverpool (Mr. Torr) that an Irishman who resided more than a year in that borough was irremovable, a miserable quibble. ["Oh!"] He would only be irremovable so long as he resided in the particular Union; but, if he had lived there 20 or 30 years, the moment he crossed the border he lost his settlement. That was the grievance complained of, and which the Bill was meant to remedy. If he spoke from a merely Home Rule point of view, he would say—"Let the present unjust law remain—there is one law for the Irish and another for the English;" but he wished the Bill to pass, in order that the law on this subject should be made equal for all.

MR. FAWCETT said, that while the hon. and learned Member for Cork County, had in the course of his able speech, hit many blots in the present law, and pointed out certain undoubted abuses which arose in its administration, yet it had been made abundantly clear that it was impossible to pass this Bill in its present form. It dealt in a very partial way with a great question, which he was free to admit demanded the immediate attention of Her Majesty's Government. Another reason why the Bill ought not to pass in its present form was, that it would place Irish people who settled in England or Scotland in a different position from Englishmen or Scotchmen who were in their own country. His hon. Friend the Member for Edinburgh (Mr. M'Laren) had, it seemed to him, hit the nail on the head, when he said that they could not deal with the question of removal or settlement without considering the general question of the administration of the Poor Law, and making it analogous for the three countries. In that conclusion he cordially agreed, and he should not have risen, if he did not most strongly object to the deduction which his hon. Friend had drawn from



that conclusion. His hon. Friend had said that what they required to do was to liberalize the Irish Poor Law, and make it more analogous to the English and Scotch law. Ireland was so often disparaged that he was glad to have that opportunity of saying that so far as the administration of the Poor Law was concerned England, and especially Scotland, had much to learn from Ireland. Of the three countries, undoubtedly, the Poor Law was administered with the greatest success and advantage to the people of Ireland. Where they had a liberal Poor Law, such as had been described by the hon. Member for Edinburgh, there was inevitably associated with it a great hardship to the people, and a barrier to the industrial development of the country. A liberal Poor Law produced so much demoralization, and encouraged pauperism so much, that it was necessary to associate with it a rigorous law of settlement and of removal. It was curious to observe that in Ireland, where the Poor Law was administered with the greatest care, it was not necessary to have any law of settlement or removal. Destitution in that country could safely be relieved, where it was found; but in England, where the law was administered with some laxity, a law of settlement was found necessary, and in Scotland, where it was administered with still greater laxity, settlement was made still more rigorous. He felt convinced that if by gradual and wise reforms the English and Scotch Poor Laws were made more analogous to the Irish Poor Law, they might then be able safely to remove what was vexatious and onerous in the present law of settlement and removal. What they should aim at was the entire abolition of out-door relief, which in Scotland was the rule and not the exception. The result was that Scotland, in proportion to its population, had 300 per cent more pauperism than Ireland, which was the poorer country, and England had 250 per cent more. He thought his hon. and learned Friend would do well not to press his Bill to a division, if he should receive an assurance from the Government that the whole subject of the general administration of the Poor Law would receive their early consideration.

MR. SCLATER-BOOTH said, that he had listened to the discussion with great interest, and he was glad that an

opportunity had been afforded for a full discussion, as it would give the country a fair idea of the feeling of the House upon the subject. He hoped that the hon. and learned Member who moved the second reading of the Bill would see from the discussion that what he proposed was a very imperfect remedy for the grievance at which it was pointed, which was in fact part of a great subject which he had scarcely touched. He (Mr. Sclater-Booth) should be unwilling to say that it would be impossible to deal with the question without assimilating the law of the Three Kingdoms with reference to settlement, removal, and the administration of out-door relief, though the three questions undoubtedly ran into one another. He trusted that the opinion that had been expressed on both sides of the House on the subject would induce the hon. Member for the Wigton Burghs (Mr. Mark Stewart) to withdraw his Amendment, and the hon. and learned Member to withdraw his Bill, in which case he promised that his attention during the Recess should be directed to the question of the law of poor removal and of settlement, which he felt required revision. Entertaining that view, he had already directed the Inspectors of the Local Government Board to make inquiries upon the subject, and to report upon it as early as possible, and when he had the necessary information before him he should be glad to see his way to making some proposal upon the matter to the House as soon as a fair opportunity presented itself for him to do so. He thought the grievance complained of was not an exclusively Irish grievance, because the law operated precisely in the same way whether the person was an Englishman, an Irishman, or a Scotchman. There was no greater cruelty in removing an Irishman than in removing an Englishman or a Scotchman, though, no doubt, the absence of any law of settlement affected an Irishman when he got back to his country. The hon. and learned Member, in his history of the question, had omitted to mention that successful steps had been taken to mitigate the law of removal and settlement, and the last change, which was made only 10 years ago, was to the effect that one year's residence should give a status of irremovability. There had, however, been some confusion between irremovability

and settlement. They might have inferred from what had been said by the hon. and learned Member for Sheffield (Mr. Roebuck) that an Irish labourer having worked most of his life in Sheffield might, when he fell into distress, be returned to the place in Ireland from whence he came; but that could not be so unless the person had broken his residence in Sheffield, and had thus become chargeable to some other place in England. Suppose a labourer who had worked 30 or 40 years in Sheffield came afterwards to London, and became chargeable upon the rates within a week, ought he to be relieved at the charge of the metropolis or of Sheffield? It could hardly be said that he should be chargeable upon London, even although his birth-place was Ireland. If they were to try to substitute a new law of settlement, much hardship would arise, though the question was well worthy of consideration. What people were driving at who attempted to get rid of the law of removal was to get rid of the fact of removal, and if it could be done with justice to the ratepayer he should be only too glad to try his hand at remedying the matter. He admitted that there were many hard cases in connection with removal to Ireland, but he saw equal hardship in removing Englishmen from one part of England to another—such as, for instance, from London to any of the northern counties of England—and the question was whether any law of settlement and removal was compatible with the extinction of such cases of hardship and injustice. Parliament had made several attempts to reduce these hard cases to a minimum, and many of the cases which had been referred to were of old date. They could not now send over Irish paupers and simply leave them upon the strand, but must convey them to the place where they were to be chargeable. He should be sorry to say that he could take upon himself to assimilate the law of the Three Kingdoms upon this point; though he did not say that an assimilation of the law might not be highly desirable. It had been said that, under the warrant of justices, the removal of the poor was in the nature of a criminal process, so that pauperism was treated as a crime; but if anybody would consider how in many cases the *quasi*-criminal offence

of vagrancy was allied with pauperism, they would see how difficult the subject was to deal with. The law, however, had of late been surrounded with safeguards against hardship and injustice. The Bill proposed to substitute for the present test of irremovability an industrial residence of one year; but then, this would give rise to an inquiry whether the residence had or had not been industrial, and so would arise many of the old difficulties. It was not to be a mere residence, but an industrial residence, so that its practical result would be to put the Irish pauper in England in a worse position than that of the English or Scotch pauper. He could not see that this was specially an Irish grievance, but the question of removal was a growing one, which pressed for solution. He had every expectation to be in a position next Session to make some recommendations to Parliament upon the subject, though he could not pledge himself to do so.

CAPTAIN NOLAN said, he was afraid the promise they had received was rather of a nebulous character, still he was not very anxious that the subject should be pressed to a division, especially as several hon. Members who had spoken attacked the law of settlement, and indicated their intention that in future they would vote with the Irish Members on the subject. The Irish were more affected by it than were the inhabitants of any of the other divisions of the United Kingdom, inasmuch as they were the chief labourers in the great manufacturing towns. For his own part, however, he was quite willing to leave the whole case in the hands of the right hon. Gentleman the President of the Local Government Board, who had promised to take the matter into consideration in the course of the Recess. Still, if the hon. and learned Gentleman the Member for Cork went to a division, he should support him.

MR. MELDON said, he could not assent to the proposal of the last speaker, that Ireland should wait for her grievances on this subject to be redressed until it suited the convenience of the English Members to consider what improvements should be effected in the English law of settlement. What the Bill said was, that if an Irishman came over to this country and gave it the benefit of his labour, he should not when

past all exertion be sent back to Ireland, but should have a claim upon the country which his industry had benefited. If there was a power vested in the Irish Guardians of shipping off effete Englishmen who had settled in their country, he was perfectly sure they would too humane to exercise it. He was absolutely horrified to hear the right hon. Gentleman the Member for Halifax defend the power of removal on the ground that it was a test of pauperism. The grievance which was complained of was essentially an Irish one, and he therefore trusted that the Motion for the second reading of the Bill would be pressed to a division.

MR. ANDERSON said, he should object to the laws of England and Scotland being made analogous to those of Ireland. The hon. Member for Hackney (Mr. Fawcett) had commented upon the fact that the pauperism of the two countries was considerably in excess of that of Ireland. He forgot, however, that the great bulk of the pauperism of England and Scotland was in reality Irish pauperism which was thrown on those counties by their laws of settlement. Had the hon. Gentleman travelled in Ireland, he would have known that country was full of beggars. This showed that a great deal of the pauperism of the country was unrelieved, owing to the severe and cruel mode of applying the workhouse test. He should be sorry to see so cruel a system adopted in either England or in Scotland.

MR. STACPOOLE supported the Bill, and indignantly denied that the country was overrun by beggars. The beggars that were to be met with there were not Irish paupers, but professional beggars, who were encouraged by tourists to remain in a state of lazy idleness. The Irishman reduced to pauperism would feel ashamed to beg.

SIR PATRICK O'BRIEN thought it ill became the hon. Gentleman the Member for Glasgow—a City which was so much indebted for its present prosperity to the artizan power derived from Ireland—to speak as he had done of the Irish people, and he scornfully derided the libel that poor Irishmen would be led to immigrate to England and Scotland in order to obtain admission to the workhouses, because they would be likely to obtain better diet there than they could obtain in the workhouses at home.

MR. BRUEN hoped the House would not be led into a discussion of crimination and recrimination from the remark of the hon. Member for Glasgow, and also that the second reading of the Bill would not be pressed to a division, because the clauses as drawn would not solve the difficulty. For his own part, he approved the Preamble, but could not agree with the hon. and learned Member for Cork as to the means by which it was proposed to give effect to it.

MR. RAMSAY said, he would not support a Bill of this character, which proposed exceptional legislation for Ireland. If the law of settlement was to be altered, it should be altered for the whole country, and not for Ireland alone.

MR. M'CARTHY DOWNING, in replying, observed that the hon. Member for Glasgow (Mr. Anderson) ought to bear in mind there was a large Irish constituency in that city. He knew the difficulties and prejudices that surrounded the subject, but he was surprised to hear the hon. Member for Liverpool (Mr. Torr) deny the existence of the grievances complained of. He based his Bill upon a statement of the late Lord Palmerston, when he was Home Secretary, that an Irishman after a year's industrial occupation in this country should be irremovable. As there had been no distinct pledge given on the part of the Government, he felt bound to go to a division.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 65; Noes 231: Majority 166.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for three months.

#### EXPIRING LAWS CONTINUANCE BILL.

On Motion of MR. WILLIAM HENRY SMITH, Bill to continue various Expiring Laws, *ordered* to be brought in by MR. WILLIAM HENRY SMITH and Mr. Secretary CROSS.

Bill *presented*, and read the first time. [Bill 262.]

House adjourned at five minutes before Six o'clock.



## HOUSE OF LORDS,

*Thursday, 22nd July, 1875.*

MINUTES.]—PUBLIC BILLS—*First Reading*—  
Washington Treaty (Claims Distribution)\*  
(216); Chelsea Bridge\* (217); Employers  
and Workmen\* (218); County Surveyors  
Superannuation (Ireland)\* (219).

*Second Reading*—Pharmacy (209).

*Committee—Report*—Police Constables (Scotland)\* (199); Police (Expenses)\* (207);  
Copyright of Designs\* (211).

*Third Reading*—Sale of Food and Drugs (193);  
Friendly Societies\* (215), and *passed*.

## PHARMACY BILL—(No. 209.)

*(The Lord President.)*

## SECOND READING.

Order of the Day for the Second Reading, read.

THE DUKE OF RICHMOND, in moving that the Bill be now read the second time, said, its object was to institute a Pharmaceutical Society, and to regulate the qualifications of pharmaceutical chemists and of chemists and druggists in Ireland. At present no person could keep open shop in Ireland for the sale of medicines and the compounding of medical prescriptions, unless he were a Licentiate of Apothecaries' Hall, under an Act of Parliament passed in 1791. The examinations under that Act were somewhat severe, and the consequence was that, comparatively speaking, few persons in Ireland had applied for licences; so that in many parts of the country there were places where medicines could not be properly compounded. In view of this state of things a Bill was introduced into the other House of Parliament by Mr. Errington last Session. It was referred to a Select Committee, upon whose Report the present measure was based. The Bill originally proposed that there should be reciprocity between the Pharmaceutical Society of England and the Pharmaceutical Society which it was intended to establish in Ireland under this Bill; but in consequence of considerable objection being taken by the former Society, his right hon. Friend the Chief Secretary for Ireland had struck out that clause. The main provisions of the Bill were as follows:—It constituted a Pharmaceutical Society in Ireland; it named the first Members of the Council, providing that the President should be Sir Dominic Corrigan,

baronet, and the Vice President Dr Aquilla Smith; it empowered the Council to make rules and to regulate the examinations; and it provided that there should be two grades of chemists, one class to be called "pharmaceutical chemists," and another, which was required to pass an inferior examination, to be called "chemists and druggists." The Act would not come into operation until the rules had been approved by the Lord Lieutenant and the Privy Council of Ireland. After providing for the registration of the persons who might be found after examination qualified for either of the two grades, the Bill repealed so much of the Act of 1791 as prohibited keeping open shop in Ireland for the sale of medicines and the compounding of prescriptions, except by Licentiates of Apothecaries' Hall. Further, the Bill provided that no person should keep open shop for such purposes unless he belonged to either of the two grades, or was a licentiate of Apothecaries' Hall, or a duly qualified medical practitioner. It saved existing rights, however, and allowed persons of the grade of pharmaceutical chemist to fill the post of apothecary to the county lunatic asylums. The latter clause he should, in Committee, propose to extend to the post of apothecary in county gaols. Most of the provisions of the measure were taken from the English Pharmacy Act of 1868.

*Moved*, "That the Bill be now read 2<sup>a</sup>."  
—(*The Lord President*.)

EARL GRANVILLE said, that having had a good deal to do with the legislation on this subject in England, he desired to express his general approval of the present measure. As, however, the standard of examination for the first grade might be lower in Ireland, it was possible that some damage might be done to the English title of pharmaceutical chemists. When the Bill went into Committee he would move an Amendment, providing that the examination of pharmaceutical chemists in Ireland should be of the same standard as in England. By an arrangement between the two societies there might advantageously be reciprocity between them.

*Motion agreed to*:—Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House To-morrow.

## SALE OF FOOD AND DRUGS BILL.

*(The Lord President.)*

(Nos. 112, 155, 193.) THIRD READING.

Bill read 3<sup>a</sup> (according to Order) with the Amendments.

Clause 3 (Prohibition of the mixing of drugs with injurious ingredients, and of selling the same).

THE DUKE OF RICHMOND moved, to omit ("knowingly") from Clauses 3 and 4.

*Amendment agreed to.*

THE DUKE OF RICHMOND moved, after Clause 4, to insert the following clause:—

"Provided that no person shall be liable to be convicted under either of the last two foregoing sections of this Act in respect of the sale of any article of food, or of any drug, if he shows to the satisfaction of the justice or court before whom he is charged that he did not know of the article of food or drug sold by him being so mixed, coloured, stained, or powdered as in either of those sections mentioned, and that he could not with reasonable diligence have obtained that knowledge."

*Clause agreed to.*

THE DUKE OF RICHMOND next moved to omit Clause 5, and substitute the following:—

"No person shall sell to the prejudice of the purchaser any article of food or any drug which is not of the nature, substance, and quality of the article demanded by such purchaser, under a penalty not exceeding twenty pounds: provided that an offence shall not be deemed to be committed under this section in the following cases; that is to say,—

"(1.) Where any matter or ingredient not injurious to health has been added to the food or drug, because the same is required for the production or preparation thereof as an article of commerce, in a state fit for carriage or consumption, and not fraudulently to increase the bulk, weight, or measure of the food or drug, or to conceal the inferior quality thereof.

"(2.) Where the drug or food named is a proprietary medicine, or is the subject of a patent in force, and it is supplied in the state required by the specification of the patent.

"(3.) Where the food or drug is compounded as in this Act mentioned.

"(4.) Where the food or drug is unavoidably mixed with some extraneous matter in the process of collection or preparation."

*Amendment agreed to.*

Clause struck out; new clause inserted, in lieu thereof.

Further Amendments made; Bill passed, and sent to the Commons.

ARMY—ROYAL LIMERICK MILITIA—  
CASE OF JOHN LEE.—QUESTION.

THE EARL OF LIMERICK asked, Whether John Lee, a private in the Royal Limerick County Regiment of Militia, was on the 5th of June, 1875, sentenced by Mr. J. M. Harnett, a justice of the county of Limerick, to be imprisoned for the period of one calendar month, with hard labour, in the County Limerick Gaol, at Limerick, for having applied on the 4th of June

"For lodging and relief in the Glin Union Workhouse, which lodging and relief he received therein on the night of the 4th and morning of the 5th, he not belonging to the Glin Union, but coming therein for the purpose of obtaining relief;"

whether John Lee was ill at the time, and was on his way to join his regiment, which assembled for training on the 7th of June at Limerick, and so stated when the charge was heard; whether John Lee died in the county gaol at Limerick of fever on the 27th of June; and, whether Her Majesty's Government had caused or will cause an inquiry to be made into the circumstances of the above case? The Act under which John Lee was committed was intended to apply to a person who left one Union or district for the purpose of obtaining relief in another Union or district, and did not at all apply to such a case as that to which he had called their Lordships' attention.

THE DUKE OF RICHMOND said, that it was perfectly true that John Lee had been committed to the county gaol at Limerick under the 10th and 11th of the Queen, and that he died there of fever on the 27th June. The Local Government Board of Ireland having had their attention called to the facts, had sent an Inspector to the Union to inquire into the circumstances, so far as the Guardians and the relieving officer were concerned, in connection with the part they took in the matter. It appeared, from his Report, that up to the time of the committal to prison, Lee was to all appearance in a strong and healthy condition, and that he did not complain of his treatment while there. The relieving officer also stated that Lee did not say that he was on his way to join the Militia regiment to which he belonged. As to the proceedings before the magistrates which resulted in Lee being committed to Limerick gaol,

further inquiries were now being made, but had not yet terminated; and therefore he was not in a position to give any information as to it.

LORD EMLY observed that the proceedings had been taken under the Vagrancy Act of 1817, the provision in which was passed to prevent persons going from one Union, where the workhouse was not full, into another where the workhouse was full, so that they might there get out-door relief. He found on inquiry that gross cruelty had been inflicted by applying this enactment to cases which it was never intended to apply to, and it was certainly never intended to apply to the case now in question. This man, he understood, stated that he was on his way to join his regiment of Militia, and yet notwithstanding that he was most cruelly and improperly committed to Limerick gaol, where he died. He (Lord Emly) most earnestly trusted that the Government would take some steps to prevent the law being so misapplied in the future.

#### SUGAR TRADE—FRANCE—BOUNTY ON REFINED SUGAR.

##### QUESTION. OBSERVATIONS.

LORD HAMPTON, in presenting Petitions from proprietors of Jamaica and Barbadoes praying for some remedy for the system under which refined sugar is at present exported from France and other countries, and in asking the Secretary of State for Foreign Affairs, What is the present state of negotiations on that subject?—said, that in 1864 a Convention on the subject of the regulation of the sugar trade was entered into between England, Holland, France, and Belgium. In 1852 France found that her revenues were suffering from the bounties which she was paying on the exportation of refined sugars. France then applied to the other three Powers, and requested them to co-operate with her in considering the question of the different sugar duties. England acquiesced in that request; and the result was that between 1853 and 1864 several Conferences were held, which resulted in the Convention of 1864, the arrangement under which was considered satisfactory for carrying out an equitable system of sugar duties. From that period England loyally acted and carried out the part which she undertook, for

the Government lost no time in obtaining an Act of Parliament to enable them to do so. But he was sorry to say that from that time to the present France had continued to evade the fulfilment of her engagements, although it had been framed upon the terms which her Government had suggested, and had used its powers for her own protection. In 1867 there was a Correspondence between England and France on the subject; but France was in such a position at that time as not to be able to make a change, and subsequently became involved in the war with Germany, so that negotiations were prevented from being proceeded with. When peace was restored these negotiations were again commenced, and England requested France that she should carry out her part of the Convention of 1864. But France being evidently unwilling to carry out her engagement, England proposed that the sugar of France should be refined in bond. The system adopted in France and other countries was one virtually of bounties on the exportation of sugar, and it was of that system that England complained. The system of charging complained of was that the duty was charged upon the raw material, the actual produce of sugar when refined being estimated at say from 3 to 5 per cent, when in fact it produced from 80 to 90 per cent; the result, therefore, under that system was that the French sugar refiners enjoyed an advantage of about 80 per cent upon the quantity of refined sugar which they exported. After repeated complaints on the part of England, France last year passed a law for refining sugar in bond, and that system, which would meet so far the requirements of England, was to commence at the end of the present month of July. He believed he was not overstating the facts when he said that the loss of revenue to France in consequence of granting these special bounties upon refined sugars amounted to £800,000 per annum. The position of things being as he had stated, it was, he believed, at the request of France that another Conference was held, in the hope of adopting a system in which the same four Powers would agree, and he understood it was a fact that no less than seven Conferences between the four Powers had been held upon this difficult and complicated question. The result was



that a Convention was agreed upon, and about a week ago it was to have been ratified and signed; but he now understood that France had within the last few days, suggested another postponement of the termination of the Convention—which would have come to an end at the close of this month—and had intimated that the system of refining in bond in France would not come into operation until the month of March next year. Under these circumstances, he felt bound to bring the question under the notice of Her Majesty's Government, in the hope that some remedy might be discovered; though he did not think the Petitioners whom he now represented desired the Government or Parliament to depart from that system or policy which had so long been established in this country, though the people of Jamaica, Barbadoes, and other West Indian Colonies found themselves not only exposed to the competition of the slave labour of Cuba and Brazil, but to the bounty-protected sugar of the Continent. He had endeavoured to compress his statement of the case, though it was a most important one. The Petitioners desired to see the whole sugar trade placed upon a fair and equal basis, for the result of the system in France had virtually been to enable the French refiner to undersell the British refiner to a certain extent. His noble Friend the Foreign Secretary would, no doubt, say whether the complaints of the Petitioners were well founded, and he felt that it was for the Government to discover whether any remedy could be found for the evils complained of without resorting to any system of granting protection to the home sugar trade by any counter-vailing duties. That, he thought, would be a course which the Government would be reluctant to follow. At the same time, the Government might seriously consider whether, under the extraordinary circumstances which he had endeavoured to explain, the bounty-protected sugar of the Continent should not be excluded from the British market until the inequalities complained of should be removed.

THE EARL OF DERBY: I think my noble Friend (Lord Hampton) has done good service by bringing this question under the notice of the House. It is in itself a question of considerable importance, and one which deeply and vitally

affects the interests of a very useful and not unimportant section of the community. I will not follow my noble Friend through the historic retrospect by which he has properly introduced the subject. Those who know what a complicated and confused business this question of bounties and drawbacks has been, will not accuse my noble Friend of any unnecessary prolixity in making the very clear statement which he has laid before us. It is quite true, as he says, that for the last 11 years the principal sugar-refining countries in Europe—England, France, Holland, and Belgium—have been occupied in trying to establish a uniform system of duties and drawbacks on sugar. The difficulty has always been to ascertain the quantity of saccharine matter contained in raw sugar—or, in other words, to ascertain with precision what the yield of refined sugar from a certain quantity of raw sugar would be. The object of establishing a common understanding was to prevent any one country from gaining an unfair advantage over others in regard to sugar exported, and to guard against the injury to revenue caused by excessive drawbacks. The way in which such unfair advantage is secured is this—The duty levied on sugar is measured by the estimated yield of refined sugar from a certain quantity of raw material. If this yield is under-estimated, as has generally been the case, then the drawback granted on exportation operates as a bounty. That is to say, suppose a refiner has paid duty on an estimated yield of 90 lb., he really obtains 95 lb., and he gets the drawback on 95 lb. A sum is, thereby, refunded to him which he has never paid, and which is clear gain into his pocket. It is owned that the French Government are paying in this way a bounty of £800,000 a-year. It was in order to do away with the possibility of that abuse that the Convention was signed in 1864 establishing a system of determining the saccharine quality of sugar. That system did not work well; the whole matter was reconsidered in 1872, and again in 1873, and a great deal of care and labour was bestowed on the inquiry—but no satisfactory system of classification could be arrived at. The British Government thereupon proposed the substitution of refining in bond for the system of classification. I need not explain that re-

*Lord Hampton*

fining in bond is an effectual remedy for the abuse complained of, because where the refiner pays only on the actual amount of refined sugar produced under supervision, he can claim no drawback beyond what he is fairly entitled to on the amount of the actual yield. At first the system of refining in bond was opposed by other countries; but in March, 1874, the French Assembly passed a law to the effect that refining in bond should come in force on the 1st of July, 1875. To that law a good deal of opposition was raised, and to meet some of the objections taken, the French Government proposed another Conference, which was held at Brussels last month. The delegates signed a Protocol proposing to their respective countries a draft Convention, by which France and Holland should agree to refine in bond, and the Belgian Government, which declines to adopt that system, should, as an equivalent, reduce its duties on sugar by one-third. On this draft there has been a good deal of discussion, the Belgian proposal not being considered satisfactory by Holland and France. They required the reduction to be to the amount of 50 per cent, and that, after some correspondence, was agreed to. There remains still an unsettled question as to the date at and manner in which the Belgian reduction shall be made, and upon that a correspondence is still being carried on. England has cut the knot by abolishing sugar duties altogether, and that, no doubt, would be the most satisfactory solution if it could be adopted all round. The only stipulation asked of us is one to which we have no difficulty in assenting—namely, that if we re-impose the duties on sugar we will adopt the system of refining in bond. I need not say that we do not contemplate their re-imposition at any time or in any form, and therefore the pledge costs us nothing. I regret that in one respect I cannot give a satisfactory report of the state of these negotiations. I have stated that the French Assembly last year passed a law establishing the system of refining in bond for France. That law, it was understood, was to come into operation in the course of the present month, or, at latest, on the 1st of August, when the Convention of 1864 expires. We have had repeated assurances from the French Government that it should be brought into operation with-

out delay, and it is therefore with regret and disappointment that we have learnt that a Bill has been brought into the Assembly postponing its operation until the 1st of March next. We have remonstrated against this delay as unjust and injurious to the English sugar trade, and have withheld our signature from the Convention until the matter is cleared up. That is the present position of affairs, and I shall be ready to lay Papers on the Table before the Session closes, containing a fuller statement of what has passed. It is, perhaps, only fair to the French Government to state that the Dutch do not propose to bring in refining in bond until the 1st of March, and I understand that is the French defence; they say—"We will begin the new system when others do, but not before." The cases, however, are different; in Holland a law must be passed to make refining in bond legally compulsory, and that the Dutch say cannot be done before next spring; in France the law exists already, and would come into operation of itself. I may point out that it is not merely the delay of nine months to which we object; it is the risk and uncertainty which that delay introduces into the whole arrangement. It is not impossible that before next year the present French Assembly will be dissolved, and no one can tell what may be the feeling on this subject of the next Assembly. Before I sit down I would just remark that I think my noble Friend (Lord Hampton) put this question a little too much as if it affected exclusively the interests of the colonial producer and the sugar refiner. From our point of view, it is also a question affecting the general interests of the public. We are convinced that any advantage of cheapness to the consumer which can be obtained by means of the bounty on foreign sugar will be temporary only; because if the bounty were continued long enough and raised high enough to drive the English sugar refiner and colonial producer out of the market, then it follows that the foreign producer would get the monopoly of the market—in which case the price would not long remain at a low rate.

EARL GRANVILLE also wished to express his opinion that the noble Lord (Lord Hampton) had done good service by calling attention to this subject, and that by so doing the hands of the Go-

vernment would be strengthened. He was glad to hear the noble Earl's repudiation of any idea of countervailing duties. This country had quite made up its mind to maintain sound principles in reference to matters of commerce; and he was glad to hear from the noble Earl what his opinion was as to the feeling of the people of this country, and as to the policy of the country in that respect. They could not always induce other countries to follow their example, or to believe that the policy of this country was a sound one; and he believed that as regarded France this was one of those questions in which class interests had much greater power than they ought to be allowed to have. It was a case in which those interests received £800,000 or £1,000,000 by way of bounty. That payment to them raised the price of sugar in France to the consumers, and those consumers were a very large class in that country. He believed that this discussion would strengthen the hands of the Government of France, and would be of service to the French public, as they would have an opportunity of seeing that, in consequence of the present system being maintained, there was a large increase to the taxation of that country, and that their interests were opposed to those of the sugar refiners. If this question should be seriously considered by the French people it would at no distant time be brought to a satisfactory termination.

House adjourned at a quarter before  
Seven o'clock, till To-morrow,  
Eleven o'clock.

## HOUSE OF COMMONS,

Thursday, 22nd July, 1875.

MINUTES.] — SELECT COMMITTEE — Report —  
Banks of Issue [No. 351].

PUBLIC BILLS.—*Second Reading*—National School  
Teachers (Ireland) \* [223]; Justices of the  
Peace Qualification \* [151].

Committee—Agricultural Holdings (England)  
(*re-comm.*) [222]—*R.P.*

Committee—*Report*—Salmon Fishery Act Pro-  
visional Order (Taw and Torridge) \* [247];  
Public Records (Ireland) Act, 1867, Amend-  
ment \* [233]; Contagious Diseases (Animals)  
Act, 1869, Amendment \* [250].

*Third Reading*—Conspiracy and Protection of  
Property \* [260]; Turnpike Acts Continu-  
ance, &c \* [216], and passed.

Earl Granville

*Withdrawn*—Merchant Shipping Acts Amend-  
ment (*re-comm.*) [116]; Patents for Inven-  
tions \* [133]; Statute Law Revision (In-  
land) \* [199]; Imprisonment for Debt (No. 2) \*  
[134].

### MERCHANT SHIPPING ACT—OVER- LOADED SHIPS.—QUESTION.

MR. T. E. SMITH asked the Presi-  
dent of the Board of Trade, Whether  
any officer of the Board of Trade at  
outports, without reference to grade, has  
power to stop a ship as overloaded; and,  
if not, how the captain of a ship can  
tell that an officer claiming such power  
is duly authorised; and, whether, con-  
sidering that the salaries of these officers  
are paid out of the Mercantile Marine  
Fund, and that great loss and discredit  
falls upon a shipowner whose ship is  
unjustly detained, he cannot devise some  
system by which such powers should  
only be exercised by a class of officers  
superior to those at present employed,  
and who should show to the captain  
their general authority from the Board  
of Trade to act in such cases?

SIR CHARLES ADDERLEY: Sir,  
no officer of the Board of Trade at out-  
ports has, with or without authority from  
the Board in this case, power or means  
to stop a ship as overloaded. The Act  
only gives the Board of Trade power, on  
receiving information from their officers,  
to order officers of Customs, acting under  
their express directions, to stop ships  
duly reported to them, and notice of such  
directions is at the same time given to  
the master or owner of the ship. I am  
considering the question of appointing  
officers of a higher grade at certain  
ports, who might exercise a superin-  
tending power over the surveyors of a  
district. But I do not think that, without  
a further Act I could delegate to any  
local officer the power to stop a ship.  
As to the last part of the Question, I  
should be glad if Parliament would in  
any way mitigate the extreme difficulty  
of the task it imposes on the Board of  
Trade; and I am astonished at the few  
mistakes the Board has made; indeed,  
the hon. Member for Derby (Mr. Plimsoll)  
has often stated the fact that of all ships  
detained scarcely any have been proved  
seaworthy. This proves the care with  
which the guilty have been prosecuted,  
without harassing the well-conducted  
trade.



MR. T. E. SMITH explained that the word he used was "detained," and the right hon. Gentleman spoke of ships being "stopped." As a matter of experience ships were detained while communications were made to the Board of Trade. He should repeat his Question another day.

SIR CHARLES ADDERLEY said, he had not misapprehended the hon. Member. Stopping and detaining were exactly the same, and there was no power given by any Act of Parliament to the Board of Trade to delegate the power of stopping or detaining any ship whatever.

MR. NORWOOD asked the right hon. Gentleman to give some assurance that in future when superior officers boarded a ship to detain her, they should be required to produce an authority to the captain showing they were acting in proper form.

SIR CHARLES ADDERLEY said, he saw no objection whatever to the telegraphic or other order being shown to the master of the ship. It was usually done, he thought; and, if not, it ought to be.

#### THE SUNDAY ACT—THE BRIGHTON AQUARIUM, &c.—QUESTION.

MR. P. A. TAYLOR asked the Secretary of State for the Home Department, Whether he can state to the House what course he intends to adopt in regard to the Act (21 George 3, c. 49) under which the Brighton Aquarium and similar places of recreation are closed on Sunday?

MR. ASSHETON CROSS, in reply, said, it was the intention of the Government to ask leave to-morrow to introduce a short Bill to remedy the temporary inconvenience arising from prosecutions which had been, or might be, brought under the Act in question.

#### INDIA—RAILWAY COMMUNICATION—THE EUPHRATES LINE.

##### QUESTION.

SIR GEORGE JENKINSON asked the First Lord of the Treasury, Whether, having regard to the rapidly growing importance of the Central Asian question, and the advance of Russia towards India, as also the essential value to this Country of an alternative route to India,

demonstrated by the evidence taken two years ago by a Select Committee of this House on the Euphrates Line of Railway, presided over by the present Chancellor of the Exchequer, who drew up the Report, Her Majesty's Government contemplate taking any steps towards carrying out the recommendations of that Select Committee?

MR. DISRAELI: Sir, I should be very glad to see a line, joining the two seas, referred to by my hon. Friend; but I hesitate—and probably shall continue to hesitate—to guarantee a great expenditure for that purpose—certainly not less than £10,000,000—in a foreign country; especially, so far as I can judge from the evidence taken before the Select Committee, as the line could never pay. In summer neither troops nor passengers can be moved, and they appear to be the only traffic that would probably be conveyed.

SIR GEORGE JENKINSON gave Notice that, at the earliest opportunity, he would call attention to the subject, and move a Resolution.

#### INDIA—CAVALRY SERVICE IN INDIA.

##### QUESTION.

GENERAL SHUTE asked the Secretary of State for War, Whether he will consider the apparent hardship of retaining Cavalry Regiments twelve years in India, whilst it is usual to keep Infantry Regiments in that country only ten years, during two of which they are quartered on the hills in Bengal; which relief from tropical heat is not available to the Cavalry in consequence of the paucity of forage and water at hill stations; and, whether the Cavalry service in India might not now with facility be reduced to eight years, in consequence of the number of Dragoon Regiments doing duty in that country having been reduced to eight instead of twelve, as when the present length of service was fixed, thus compensating them for not having (as with Infantry) two years on the hills?

MR. GATHORNE HARDY, in reply, said, that this question had been under the consideration of the Department as far back as 1873. As at present arranged, Infantry regiments remained 12 years in India. There being nine Cavalry regiments in India, they served between 11 and 12 years; but, as one regiment

returned home every season, the term of service abroad would soon be reduced to 10 years, at which it was proposed to fix it.

#### TURKEY—CHRISTIAN CONVERTS.

##### QUESTION.

MR. BAXTER asked the Under Secretary of State for Foreign Affairs, if, notwithstanding the statement of the British Ambassador at Constantinople early last year,

"That orders were already issued for the release of the persecuted Christian converts who were being treated as Moslem convicts,"

seized in the neighbourhood of Latakia and at Marash, the men had not at the date of last advices been restored to their families, but were either in exile, cut off from all means of self support, or serving as drudges in the Army without pay or clothing?

MR. BOURKE: The form in which the right hon. Gentleman has put this Question makes it difficult to answer with that accuracy I should desire. I have looked through all the despatches of the British Ambassador at Constantinople of last year, and cannot find in them the statement which has been placed upon the Notice Paper in inverted commas, as if it were a quotation from a despatch—

"That orders were already issued for the release of the persecuted Christian converts who were being treated as Moslem convicts."

Perhaps, therefore, the right hon. Gentleman will refer me to the date of the despatch from which he has quoted, and I will make inquiries into the subject. I think, however, that the right hon. Gentleman has been misled, and has quoted from some other statement than the despatch of the Ambassador. The second part of the Question mixes up distinct cases which have engaged the attention of the Government, which have no similarity, and which have been dealt with at different times, different places, and upon different principles. With regard to the case of the Ansariyeh conscripts, their discharge from the Army was originally promised on the representation of the British Embassy under the belief that they had been illegally taken for the Army, and were being subjected to persecution as Christians. Subsequently it was maintained by the Porte that these men were not

illegally or improperly enrolled in the Army, and they have been placed in a regiment in which men of all religious denominations are serving. As regard the case at Marash, that was the case of a convert who was in danger in his native village from having become a Christian, and in consequence of the danger he was removed to Constantinople, and afterwards to Smyrna. The man was perfectly at liberty at Smyrna to go wherever he pleased, and his family was allowed to be with him; the only condition the authorities had made with regard to him being that he should not return to his native village at Marash, because they were afraid that his personal safety could not be secured in that place. Papers will be laid upon the Table upon the subject, in which all the particulars of both these cases will be found.

#### POST OFFICE TELEGRAPHS—THE LATE NEWCASTLE RACES.

##### QUESTION.

MR. ANDERSON asked the Postmaster General, whether it be the fact that a special telegraph wire was carried to the racecourse at the recent Newcastle meeting, but that this was not done for the convenience of the general public but only for those few who chose to pay a high admission fee to get into the betting ring; and, whether he will in future in granting such facilities make it a condition of the service to stipulate that the office shall be so placed as to be available to the general public attending the meeting, so that a great public department may not be open to the charge of giving special encouragement to betting?

LORD JOHN MANNERS, in reply, said, that at the recent Newcastle meeting the office used was that in which the old telegraph companies formerly transacted business at the Grand Stand. The office was the property of the Grand Stand Company, and it was lent to the Department free. He believed it to be an inconvenient office, and not readily accessible to the outside public, although he was informed that upon the occasion in question one message, if not more, was handed in from the outside. Communication had from time to time taken place with the Grand Stand Company with the view of improving the accommodation, and he hoped that before

*Mr. Gathorne Hardy*

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*Mr. Gathorne Hardy*

next race meeting took place such improvement would be effected. With regard to the second part of the Question, the Department were of opinion that in the Grand Stand offices proper accommodation should be provided for the general public, and for the future it had no intention of occupying any new office which was not readily accessible to the general public.

IRELAND—RIOTS AT CALLAN—  
FATHER O'KEEFFE.—QUESTION.

MR. HOLT asked the Chief Secretary for Ireland, To explain the course taken by the Government at the Kilkenny Assizes in the case of the prisoners indicted for riot at Callan, and to state whether a *nolle prosequi* was entered on the part of the Crown in consequence of the non-attendance of witnesses for the prosecution; and, whether these witnesses had been bound over to prosecute in the usual form; why, if so, seeing that it is admitted there had been a serious breach of the peace, the trial of the prisoners was not postponed, and steps taken to enforce the attendance of the witnesses?

SIR MICHAEL HICKS - BEACH, in reply, said, that the action of the Government in this matter was confined to the usual course of deciding that a prosecution should be instituted, and in pursuance of that decision witnesses were bound over to prosecute in the usual form. The Bill was sent up to the Grand Jury at the Kilkenny Assizes, and when it came before the consideration of the Grand Jury it contained four counts, and upon two of these counts material evidence was not forthcoming, because the care-taker of the chapel, whose evidence, in the absence of Father O'Keeffe, had been relied upon, to show the amount of damage which had been done, although he was at the time in the town of Kilkenny, did not choose to answer the summons to attend as a witness. The Grand Jury were, therefore, unable to return a true bill upon the most important counts in the indictment. The conduct of the prosecution was, as was always the case, in the hands of the learned counsel who were engaged by the Crown, one of whom on this occasion happened to be a very eminent member of the Irish Bar—Mr. Serjeant Armstrong. Finding the bill had only been partly

returned, the counsel for the Crown, in the exercise of their discretion, entered a *nolle prosequi*, believing that, as the evidence on which they principally relied was not forthcoming, it would not be advisable to proceed with the remaining counts of the indictment. It was better to enter a *nolle prosequi*, as a fresh prosecution might, if it were thought advisable, be instituted at the next Assizes. He might add that Father O'Keeffe himself wrote to the Crown solicitor some few days before the Assizes, and expressed his own desire, so far as he was concerned, that the prosecution should not be proceeded with, and that it might be withdrawn.

RIVERS POLLUTION — DESTRUCTION  
OF FISH IN THE RIBBLE.  
QUESTION.

MR. HERMON asked the President of the Local Government Board, Whether his attention has been called to the destruction of food in the shape of fish, the pollution of water, and the injury to the health of the people, owing to the impurities carried into the Ribble from the Calder and Darwen; and, what steps he intends to take in the matter?

MR. SCLATER - BOOTH, in reply, said, he had seen an account of what he must call a deplorable destruction of salmon in the Ribble, in consequence of cinders, sawdust, and other refuse which had been thrown into the river. He was not aware of what remedy the owner of the fishery might have against the parties who had caused that destruction; but the part he had taken in the matter was simply this—He had inserted in the Pollution of Rivers Bill a clause which would render the throwing into rivers such pollution an offence under that Bill, and if it pleased the House to pass it, such an evil would be provided against in the future.

EAST INDIA OFFICERS' COMPENSATION  
COMMITTEE.—QUESTION.

MR. OWEN LEWIS asked the Under Secretary of State for India, If he will have any objection to lay upon the Table of the House the Despatch addressed to the Government of India carrying out the recommendations of the East India Officers' Compensation Committee,

or to communicate the substance of it to the House; and, when effect is likely to be given to the recommendations of the Committee?

LORD GEORGE HAMILTON, in reply, said, he had no objection to communicate to the House the despatch referred to by the hon. Member, but he thought it would be better to wait till they received the answer of the Governor General of India. Assuming that reply to be favourable, the Secretary of State would at once take steps to carry out the recommendations of the Committee.

#### INDIA—THE GOVERNMENT OF INDIA AND THE KING OF BURMAH.

##### QUESTION.

MR. RICHARD asked the Under Secretary of State for India, When the Correspondence relating to the differences which had arisen between the King of Burmah and the Indian Government, promised by him on the 21st of June, will be produced; and, whether it would be still detrimental to the public interests to furnish Parliament with some authentic official information as to the character and issue of the recent negotiations with the King of Burmah?

LORD GEORGE HAMILTON, in reply, said, he did not promise to lay the Papers upon the Table of the House on the 21st of June, but on that day he undertook that Papers should be laid upon the Table relating to those differences when they could be published without detriment to the public service. Negotiations were not at present concluded, and therefore he thought it would be inadvisable to lay Papers upon the Table of the House which contained only incomplete, and consequently misleading, information. Neither could he state distinctly when they would be laid upon the Table. In reply to the hon. Member for Elgin (Mr. Grant Duff), on July 8, he stated that the differences which had arisen between the Government of India and the King of Burmah were satisfactorily settled with the exception of one, and he added that he hoped that would be amicably disposed of. He had nothing to add to that Answer, except that the hope which he then expressed, was, and continued to be, well founded.

*Mr. Owen Lewis*

#### COUNTY COURTS—IMPRISONMENT FOR DEBT—CASE OF WILLIAM SMALL- BONE.—QUESTION.

MR. CHARLES LEWIS asked Mr. Attorney General, If his attention has been called to the case of William Smallbone, who was on the 30th of October 1874 committed to prison by the Judge of the County Court of Farnham for an alleged contempt of court for non-payment of a sum of £63 11s. 6d. costs recovered by the plaintiff in an equity suit in such County Court; that the said Smallbone, a farm labourer upwards of 72 years of age, suffered continuous imprisonment under such order until the 2nd day of July 1875, when he was discharged out of custody by order of Mr. Baron Huddleston; whether such imprisonment of Smallbone for over eight months was legal, having regard to the Acts for Abolition of Imprisonment for Debt; and, whether he will insert in the County Courts Bill, now pending in this House, provisions for the purpose of preventing any such imprisonment being ordered by County Court Judges in future?

THE ATTORNEY GENERAL: Sir, in consequence of the Notice of my hon. Friend I have made inquiries into the case of William Smallbone, and believe the facts of the case to be as follows:—Smallbone was defendant in a suit in Equity, instituted by his brother's widow and devisee, to compel him to convey upon the trusts of his brother's will a certain small property, purchased from Smallbone by his brother, and paid for, but which had not been conveyed though possession had been given. Smallbone not only defended this suit, but was prosecuting an action of ejectment for the recovery of the same land from his brother's widow. The decision, which was pronounced in April, 1874, was adverse to Smallbone; he was decreed to convey the land, and pay the plaintiff's costs. He conveyed the land, but, not having paid the costs, he was summoned in September to show cause why he should not be committed for contempt; on the 16th of that month he appeared and stated that he was about to sell some property out of the produce of which he intended to pay the costs. The Judge found him guilty of contempt; but, in consequence of his statement, directed that the warrant for his com-



mittal should not be executed if within one month he paid £30 and the balance within two months. Not having paid any portion of the costs, he was on the 30th of October committed to Winchester Gaol. In February he applied, through his solicitor, to the Judge for his discharge, on the grounds of ill-health and inability to pay, and it was then admitted that the property which he had expressed his intention to sell, though worth £300, had been sold to his brother for £200, out of which £100 was retained by his brother for an alleged debt, and £80 was paid to his solicitor in discharge of his, the defendant's, costs. The Judge thereupon adjourned the hearing of the application to enable the defendant to make some reasonable offer, but, none being made, Smallbone remained in prison until the 2nd of the present month, when he was discharged by an order of Mr. Baron Huddleston, on the ground of his age, ill-health, and inability to pay. Such, as I am informed, are the facts of the case; and, whatever opinion may be entertained as to the conduct of Smallbone, I am bound to state that, in my opinion, his imprisonment was contrary to law. All parties concerned—Judge, registrar, counsel, and solicitors—were apparently forgetful of the provisions of the Debtors Act of 1869. It is still more strange that the mistake which had been made was not discovered when the parties were before Mr. Baron Huddleston, as the defendant was not discharged from prison on the ground of any illegality or irregularity in his committal, but, as I have already stated, upon grounds which were quite consistent with its perfect legality and regularity. I may add that the Judge, by whom Smallbone was thus committed, has held his office for 10 years, during which time he has discharged his duties with great ability, and to the general satisfaction of those transacting business in his Courts; the present is the only committal for contempt in Equity ordered by him, though he has disposed of considerably more than 100 suits. No one can regret more than he does the mistake that has been made; at the same time, it is to be observed that, if those conducting Smallbone's defence had drawn the attention of the Judge to the state of the law, the irregular order could hardly have been made, or, if made, would have been

immediately and successfully appealed against.

PUBLIC BUSINESS—  
PATENTS FOR INVENTIONS BILL.  
QUESTION.

MR. DILLWYN asked Mr. Attorney General, Whether it is his intention to proceed with the Patents for Inventions Bill this Session?

THE ATTORNEY GENERAL: Sir, in the present state of the Business of the House, I fear that I should have but very little chance of making any useful progress with this Bill. I therefore propose to move at the proper time that the Order for the Second Reading of the Bill be discharged, and I shall do this with the less regret, as I feel that the time and attention which, during the present Session, has been given to the subject by those eminently qualified to deal with it will materially aid the eventual passing of a useful measure.

DOMINION OF CANADA—  
BOARD OR VOLUNTARY SCHOOLS.  
QUESTION.

MR. COOPE asked the Vice President of the Council, Whether his attention has been drawn to the option granted in Canada to the payers of School Rates of selecting as to the application of their payments either to Board or to Voluntary Schools; and, whether he is prepared to take steps to assimilate the practice here, and to allow the same privilege to ratepayers as is enjoyed by those in Canada?

VISCOUNT SANDON: Sir, my attention, I need hardly assure my hon. Friend the Member for Middlesex, has been called to the manner in which schools are supported in Canada. The point, however, to which his Question refers is so large and important a one that I trust my hon. Friend will excuse me if I say that I do not think it advisable for me to enter upon it in those brief terms in which it is necessary for the convenience of the House that replies to Questions should be given.

MR. COOPE: While I thank my noble Friend for his courtesy, I beg to give Notice that, early next Session, I will take an opportunity of bringing the question before the House.

self at an early period of the Session—I do not for a moment charge him with anything like breach of faith or treachery—that the Bill, of which the first 30 clauses were merely re-enactments—with unimportant exceptions—was so drawn as to afford unlimited facilities for death-dealing volubility and hypocritical Amendments. I adhere to that opinion. I want that the House should understand the position of the question. Under the Board of Trade, since 1862, when unhappily the commercial marine of this country was committed to their care, matters have been getting worse and worse, with the aid of shipowners of murderous tendencies outside the House, and who are immediately and amply represented inside the House, and who have frustrated and talked to death every effort to procure a remedy for this state of things—[“Name! name!”] I will give the names very soon. I ask hon. Members if they have not seen in the newspapers the report of the recent judgment of Lord Justice Giffard in the case of the *Bard of Avon*, and the statement that in the case of this ship, which was bought for about £780, and being of about an equal amount of tonnage, and having had about £800 spent upon her in repairs—making the total value about £1,500—the owners, immediately on the vessel being repaired, entered into a contract which would have recouped them that sum total of the cost in one half of the first voyage. I entreat you to consider it. I must speak out. The Secretary of Lloyd’s tells a friend of mine that he does not know a single ship which has been broken up voluntarily by the owners in the course of 30 years on account of its being worn out. Ships gradually pass from hand to hand, until bought by some needy and reckless speculators, who send them to sea with precious human lives. On the 3rd of this month I had a list carefully prepared of 15,000 vessels on Lloyd’s Register; and on going over these what does the House think was the result? It was found that no fewer than 2,654 of the classed ships had gone off their class and forfeited their position. And what is the consequence that ensues? It is that continually, every winter, hundreds and hundreds of brave men are sent to death, their wives are made widows and their children are made

*Mr. Plimsoll*

orphans, in order that a few speculative scoundrels, in whose hearts there is neither the love of God nor the fear of God, may make unhallowed gains. There are shipowners in this country of ours who have never either built a ship or bought a new one, but who are simply what are called “ship-knackers,” and I accidentally overheard a Member of this House described in the Lobby by an ex-Secretary to the Treasury as “a ship-knacker.” [“Order!”]

MR. SPEAKER: I must point out to the hon. Member that his speech, and all the references of his speech, relate to a Bill which is on the Order Book, and which is set down for consideration this very day. His observations would be quite in Order if made on the Order that that Bill be discharged; but he is not at liberty to discuss, on a Motion for adjournment, the merits of any Bill which is on the Orders of the House.

MR. PLIMSOLL: Then, Sir, I give Notice that on Tuesday next I will put this Question to the right hon. Gentleman the President of the Board of Trade. I will ask the right hon. Gentleman whether he will inform the House as to the following ships—the *Tethys*, the *Melbourne*, the *Nora Greame*, which were all lost in 1874 with 87 lives, and the *Foundling* and *Sydney Dacres*, abandoned in the early part of this year, representing in all a tonnage of 9,000 tons; and I shall ask whether the registered owner of these ships, Edward Bates, is the Member for Plymouth, or if it is some other person of the same name. [“Order!”] And, Sir, I shall ask some questions about Members on this side of the House also. I am determined to unmask the villains who send to death and destruction—[*Loud cries of “Order!” and much excitement.*]

MR. SPEAKER: The hon. Member makes use of the word “villains.” I presume that the hon. Gentleman does not apply that expression to any Member of this House.

MR. PLIMSOLL: I beg pardon?

MR. SPEAKER: The hon. Member made use of the word “villains.” I trust he did not use it with reference to any Member of this House.

MR. PLIMSOLL: I did, Sir, and I do not mean to withdraw it. [*Loud cries of “Order!”*]

MR. SPEAKER: The expression of the hon. Member is altogether un-Parliamentary, and I must again ask him whether he persists in using it.

MR. PLIMSOLL: And I must again decline to retract. ["Order!"]

MR. SPEAKER: Does the hon. Member withdraw the expression?

MR. PLIMSOLL: No, I do not.

MR. SPEAKER: I must again call upon the hon. Member to withdraw the expression.

MR. PLIMSOLL: I will not.

MR. SPEAKER: If the hon. Gentleman does not withdraw the expression I must submit his conduct to the judgment of the House.

MR. PLIMSOLL: I shall be happy to submit to the judgment of the House, and this is my Protest. (The hon. Member placed a paper on the Table.) ["Order, Chair!"]

MR. DISRAELI: I rise, Sir, under a sense of deep pain—and I am sure every Member of the House will have experienced the same feeling—that a brother Member should have conducted himself in a manner almost unparalleled.

MR. PLIMSOLL: And so has the Government. ["Order, Chair!"]

MR. DISRAELI: I desire, as far as I can, to do that which will conduce to the dignity of the Chair, and to the honour of this House and its Members, and I think the conduct of the hon. Member cannot be passed without notice. It is of the most violent and offensive kind. Although I do it with great reluctance, I feel I am only expressing the sense of the whole House when I say that this is an occasion on which you, Mr. Speaker, must exercise one of your highest duties, and that is that you should reprimand the hon. Gentleman for conduct so disorderly and violent as that we have just witnessed. I beg accordingly to move that the hon. Member for Derby be reprimanded by you, Sir, for his violent and disorderly conduct.

Motion made, and Question proposed, "That Mr. Plimsoll, the Member for Derby, for his disorderly conduct, be reprimanded, in his place, by Mr. Speaker."—(*Mr. Disraeli.*)

MR. SPEAKER: The Motion before the House is that Mr. Speaker do reprimand the hon. Member for Derby for his disorderly conduct.

MR. PLIMSOLL rose to address the House but was received with cries of "Order!"

MR. SPEAKER: According to the practice of the House the hon. Member for Derby will be heard in his place and will then withdraw.

MR. PLIMSOLL: I beg pardon? I did not hear.

MR. SPEAKER: According to the practice of the House the hon. Member will be heard in his place and will then withdraw.

MR. PLIMSOLL: I will withdraw.

[As the hon. MEMBER was leaving the House he turned round and exclaimed—"Do you know that thousands are dying for this?"]

MR. SPEAKER: The Question is that the hon. Member for Derby for his disorderly conduct be reprimanded by Mr. Speaker in his place.

THE MARQUESS OF HARTINGTON: I need hardly say that, if necessary—speaking on behalf of Members on this side of the House—I will support the Motion which has been made by the right hon. Gentleman. I rise, however, with great diffidence—feeling that I am not sufficiently acquainted with the Forms of the procedure of the House—for the purpose of making a suggestion. It is quite evident that the hon. Member for Derby, in the observations he has made, has been labouring under feelings of very strong excitement—and although I cannot—and no one could—for a moment desire to entirely justify the language he has used, I cannot help thinking it will be very much to the advantage and dignity of our proceedings if action in this matter could be postponed for a short time, during which I have no doubt—or at least I have great reason to hope—that the hon. Member for Derby may be induced to see the impropriety of his conduct and to set himself right with the House. Therefore, if it is possible that this discussion can be adjourned for a short time, I think it very much to the interest and dignity of the House that this should be done.

MR. SULLIVAN: The House has listened to and witnessed a scene, I believe, without precedent in the annals of this Assembly; and, Sir, as a friend of the hon. Member for Derby—and as one of those who came here to-day, I



avow, in concert with him, to support his views upon the question to which he has referred, let me say at once that I do not seek to justify what has occurred. But I do appeal to the House to be as considerate and as indulgent towards him as it can under these circumstances be. I am personally aware that the hon. Member is at this moment extremely ill. I do not wish to go closer into the matter than to express my own opinion, formed from a very constant intercourse with the hon. Member, that within the last two days his mental excitement—the result of an overstrain acting upon a very sensitive temperament—has placed him to-day in a condition of agitation on this subject, such as will, I hope, obtain a generous consideration from this Assembly—offended, and justly offended, as it is by the language he has used—language which I do not attempt to justify or palliate. I feel that if my hon. Friend—for whom I speak at this moment, with a painful sense of my responsibility in the serious position in which he has placed himself—that if he could have the calm retirement of a week he would be himself the first to regret what he has done, so far as it is a transgression of good order and the Forms of this House, and of the duty which he owes to this House. I hold in my hand documents, which I have read, but which I will not use, which have wrought him to the pitch of excitement we have seen to-day. I have no intention of making the case of the hon. Member worse than it is by going into any matters that could hurt the susceptibilities of any in this House. I only plead this for him—that his is a nature eminently unselfish, and that though in this case I think his conduct most unwise, yet I know the painful excitement which has agitated his mind on this subject, and which has within the last few days been such as to give uneasiness to his friends and to those Members of this House who, like myself, have enjoyed his confidence. I will not, I cannot, even for the success of the appeal I now make, say one syllable that would put my hon. Friend in an undignified or in an inconsistent position. I do not believe that even if he were taken to the scaffold he would retract one word of what he would say in calm mind and deliberate judgment; but with regard to the expressions he has used on

the present occasion, I feel sure that if he is allowed a few days of rest the hon. Gentleman will set himself right with the House.

MR. DISRAELI: Under the circumstances detailed by the hon. Gentleman, the friend of the hon. Member for Derby, I think it would be best that the hon. Member for Derby should not be required to attend in his place till this day week. I beg, therefore, to move that the debate be adjourned for a week. ["Agreed, agreed!"]

MR. FAWCETT: As I knew the hon. Member for Derby before he came into this House, I hope hon. Members will not think I adopted an unusual course—considering the excitement in which the hon. Gentleman now is—by going to him in the Lobby and having a conversation with him. I can quite confirm what his friend the hon. Member for Louth has stated—namely, that the hon. Member for Derby is in a state of mental excitement to a painful degree, and I am sure nothing can be so kind to him, and nothing so likely to conduce to the dignity of this House, than, as has been proposed by the Prime Minister, that he should not be required to attend in his place for another week. I found him in a state of unusual excitement in the Lobby, and I did what I thought best—namely, after considerable difficulty, I persuaded him to take a walk in the open air. The hon. Member will have an opportunity in the course of a week of consulting with his friends, and I am sure—though I have no authority to speak in his name—between then and now the hon. Member, who is not unreasonable, will regret—strongly as he may feel on the subject to which he has devoted himself—that he used expressions which none of us can justify or uphold. ["Agreed, agreed!"]

MR. BASS: As the Colleague of the hon. Gentleman, and one who is well acquainted with his excellent qualities, I hope the House will permit me to offer my grateful acknowledgments to the Prime Minister for the considerate course he has suggested.

Debate adjourned to Thursday next.

[The following is the entry of the subject upon the "Votes and Proceedings of the House."]

Mr. Plimsoll, the Member for Derby, having used expressions in Debate

which, when called upon by Mr. Speaker, he refused to withdraw; and having otherwise conducted himself in a disorderly manner:—

Motion made, and Question proposed, "That Mr. Plimsoll, the Member for Derby, for his disorderly conduct, be reprimanded, in his place, by Mr. Speaker."

Whereupon Mr. Plimsoll, without claiming to be heard, withdrew.

Debate adjourned till Thursday next.

AGRICULTURAL HOLDINGS (ENGLAND)  
(re-committed) BILL—[Lords.] [BILL 222.]

(Mr. Disraeli.)

COMMITTEE. [Progress 20th July.]

*Tenant's Compensation for Improvements.*

Clause 5 (Tenant's title to compensation).

Amendment proposed, in page 2, line 22, to leave out the word "executes," and insert the words "lays out money."—(Sir Thomas Acland.)

Question proposed, "That the word 'executes' stand part of the Clause."

MR. NEWDEGATE inquired whether the clauses were to be proceeded with exactly as they stood, or whether it was intended to make any alteration in them?

MR. GOLDSMID observed, that if a report which prevailed was correct—that the Government had decided on making some very important alterations in the Bill, and had already informed one portion of the House of their intention—it was possible that the alterations might materially affect the course of the discussion, and therefore it was only fair that hon. Members on that (the Opposition) side of the House should know what changes the Cabinet had decided upon; otherwise it would be impossible to discuss the questions which were to be raised. He therefore wished to ask the Government, what were the decisions at which they had arrived with regard to the Bill?

MR. HUNT observed, that it was quite reasonable that the Committee should be desirous of knowing what the Government intended to do in the matter. There had been a good deal of discussion the other evening as to the system on which the classification of different subjects should be arranged, and the Government had in consequence resolved

to adopt the Amendment of the hon. and gallant Member for West Sussex (Sir Walter Barttelot). He believed that by doing so a great number of objections to the classification, as it at present existed, would be removed.

SIR THOMAS ACLAND observed, that he was obliged to the right hon. Gentleman for the explanation which he had given; but as he had not stated the general views of the Government, he had no option but to move the Amendment of which he had given Notice for the purpose of removing the difficulty which would arise from the meaning of the word "improvement," as defined in the different classes of qualification. He wanted to know where they were, and what they were about? That House was not a Chamber of Agriculture, or a House of landlords; but was the House of Commons, and a great number of its Members represented great and populous constituencies not engaged in agriculture. He wished to know whether they were to adopt a particular phrase because certain agriculturists had settled that it was the right thing? The proposition he had to make to the Committee was supported by a large number of the landowners in several south-western and north-eastern counties, and its object was to remedy injustice—or at least that which led to a sense of injustice—to a large class in this country. He had already stated that he did not believe that the actual injustice was so great as some people were inclined to think it was, because he was satisfied that a large number of landlords acted with substantial justice towards their tenants. But there certainly was a growing feeling that the present amiable, pleasant, kindly relations between landlords and their tenants must come to an end, and that the latter must have more independence than they at present enjoyed. His firm belief was that if the relations between landlord and tenant were placed on the same footing as the great Ecclesiastical Body and their tenants things would be very different. Why was it that the tenants of the Ecclesiastical Commissioners got on so well? For this simple reason, that those Commissioners had no "game," no religion, and no politics—at least, those subjects were not intruded into their relations with their tenants. The intended effect of this scheme was, in the first place, to get rid altogether of the details of the

first class of improvements mentioned in the Bill, leaving them to be regulated entirely by free contract between the landlord and the tenant. His second object was to leave the arrangements as to manure and game to generally go under the ordinary rules of valuation, but to take them out of the hands of the valuer whenever the landlord and tenant chose to come to an agreement on the subject. With respect to the second class, he proposed that the landlords and tenants should have power to make agreements in respect of any improvements the effects of which were likely to endure beyond two years. In other words, he proposed that, as regarded all improvements mentioned in the first and second classes, the landlords and tenants should have full power to contract, leaving the question as to manures and cake to be settled by the valuers. He also proposed with respect to the second class that they should not lay down a uniform rule for the whole of England, and should not interfere where the custom of the district allowed the great capitalist farmers of the East of England to effect improvements of the second class at their own discretion and to claim compensation for them. Had things remained as they were on Tuesday, he should have hoped for considerable support for his scheme from hon. Members opposite; but he should watch with interest the course they would take with regard to it now that they had settled their differences and were again a united Party. With the view of hearing what the Government had to say on the subject he would formally move the exclusion from the clause of the word "improvement" comprised in either of the three classes following.

MR. CLARE READ said, the hon. Baronet had begun his speech by saying "Where were we?" Well, he (Mr. Read) wanted to know where was his Amendment, as he did not know what it was or where it was. In 1847 a Bill was introduced by Mr. Pusey, on the back of which were the names of Mr. Evelyn Denison and Mr. T. D. Acland, who then sat on the Conservative side of the House. Now, in that Bill he found this remarkable fact, that compensation for tenants' improvements was to be divided into three classes—first, temporary improvements, including artificial manures and feeding stuff for stock; secondly, durable improvements, in-

cluding draining, marling, &c.; and, thirdly, permanent improvements, including new fences, roads, and necessary buildings. But now the hon. Baronet came down to the House and said he did not want the word "improvement" inserted, or any classification of improvement. [Sir THOMAS ACLAND: No, no!] Well, at all events, the hon. Baronet said that he did not want in this Bill something which was contained in the Bill which had his name upon its back. The hon. Baronet had apparently been asleep since 1847. Indeed, he was known in the agricultural world as the Rip Van Winkle of Tenant Right, and it was not until the Government had awakened him from that sleep that he had renewed his knowledge of that Bill. He (Mr. Read), for his part, thought it was essential to have classification. It was embraced in a Bill which he had introduced and, he believed, in every Bill brought under the notice of Parliament. The expenditure on artificial manure and on cake and other feeding stuff for cattle was an improvement, however temporary the benefit might be; but the Government had never deviated from the principle of Mr. Pusey's Bill, which declared that the ordinary course of good husbandry should not be a subject of compensation. This was a different thing, however, from extraneous manures brought on the farm, for all of which tenants ought to be compensated.

MR. NEWDEGATE, in answer to the hon. Member (Mr. Clare Read), said, it was true that the first of Mr. Pusey's Bills contained three classes of improvements; but after the Committee of 1848, for which he moved, and over which Mr. Pusey presided, the next Bill and the subsequent Bills introduced by Mr. Pusey contained only two classes, omitting permanent improvements, such as buildings. In the opinion of the Select Committee of the House, which then considered this subject, what were commonly called landlords' improvements ought to be exempted from a Bill of this nature, and from the category of ordinary tenant improvements. The relations of landlord and tenant were totally different in England from what they were in Ireland or Scotland. In Ireland landlords generally left tenants to do everything. In Scotland the partnership which existed between landlord and tenant in England was interrupted by



long leases. He hoped it would be the object of the Committee to continue the relation between landlord and tenant which had so long existed in England, which was still a relation of partnership. This Bill proposed to effect an object he had long desired—namely, to change the existing presumption of the law that the tenant was not entitled to compensation for agricultural improvements to the opposite presumption that the tenant was entitled to compensation, unless by contract he excluded himself from the right. Although in England it was unusual that the tenant should erect the farm house and buildings, it had become usual that the landlord should agree with the tenant that the tenant should make the common agricultural improvement—such as field drainage, chalking, marling, and the like; he acted as a partner with the tenant, and it was just that the period assigned for compensation should be such as would recoup the tenant for his outlay; or, failing this through death or other termination of the tenancy, that the tenant or his representatives should be paid such portion of his outlay, as had not been recouped by increased produce. It was just that afterwards some portion of the improvement to the land should remain to the landlord to compensate the landlord for the risk he had incurred by becoming security for the outlay of the tenant before it was recouped. As soon as the tenant was recompensed, it was right that the landlord should come in for the advantage in return for the risk he had run. But with regard to building, road-making, and other improvements, which might be called landlord's improvements, a period of 20 or 25 years might be allowed to repay the tenant if he should have undertaken them. But this ought to be left to private contract between landlord and tenant, and should be kept separate from improvements of the state and condition of the soil of the farm which are strictly within the province of the tenant. In 20 or 25 years the remainderman would probably come in, and it was only just that, as he was no party to the transaction between his predecessor and the tenant, that the instalments for repayment of any compensation still due should be re-distributed, so that the burden should be made as light to him as possible.

THE MARQUESS OF HARTINGTON said, it had been stated several times in the course of the discussion that the Government were willing to introduce several modifications in the Bill, and that statement had not received any contradiction from the bench opposite. He would therefore appeal to the Government whether it was not fair that they should be told what important Amendments in the Bill the Government had assented to before they asked the Committee to proceed further with the discussion of this most important clause. The right hon. Gentleman the First Lord of the Admiralty had stated that it was the intention of the Government to accede to certain Amendments in the 7th clause.

MR. HUNT explained that what he had stated was that the Government purposed to accept the Amendments of his hon. and gallant Friend the Member for West Sussex (Sir Walter Barttelot), with a view to give elasticity to the period over which compensation for improvements would extend, instead of drawing a hard-and-fast line at 20 or 25 years. These Amendments applied to the 6th and 7th clauses, and there was a new consequential clause allowing the arbitrators to restrict the number of years.

THE MARQUESS OF HARTINGTON said, if that were so, there could be no objection in point of form to the Government stating to the Committee what Amendments in other clauses they had agreed to. It was evident that some communications had been made to hon. Gentlemen on the other side, and he appealed to the Committee whether, when communications had been made to hon. Members opposite which they (on the Opposition side) knew nothing of, they should proceed with the discussion? The question was mixed up with every clause of the Bill—whether this clause was to extend to four-fifths of the holdings of England, or whether those holdings were to be excluded. What, also, were the intentions of the Government as to the clauses dealing with breaches of contract; were they to be modified or not? Lest there should be any difficulty or irregularity in what he suggested, he would assist the Government by moving that the Chairman do now report Progress, in order to afford them an opportunity of giving information to the Committee.

Motion made, and Question proposed, "That the Chairman do report Progress, and ask leave to sit again."—*(The Marquess of Hartington.)*

MR. DISRAELI: I shall certainly oppose that proposal, which is, I think, most unusual and most unreasonable. Whatever Amendments may be proposed we shall be prepared to express our opinion with regard to them when they come before the Committee. The alterations to which the noble Marquess has referred, and which have been mentioned by my right hon. Friend (Mr. Hunt), are on the 6th and 7th clauses, but then they affect the clause before the Committee. The Amendments of the hon. and gallant Member for West Sussex have been on the Paper some days. It is nothing unusual to adopt Amendments as a Bill proceeds; that has been done before without the Government's being called upon to make a formal statement in consequence; and if Amendments should be proposed in this case, which we approve, we shall adopt them, whether they come from our opponents or not. I think the noble Lord weakens the character and reputation of his followers by supposing that Amendments are only to be agreed to which proceed from the Ministerial side of the House. The Government will agree to Amendments, from whatever side proposed, which may appear to them advantageous. On every occasion when the Chairman puts the Question, we will take care to express our intentions. There is not a single reason for the Motion made by the noble Lord. We fairly stated before we came to the 6th and 7th clauses that we intended to adopt the Amendments of the hon. and gallant Member for West Sussex, which affect those clauses, and we are acting in a legitimate way with regard to the other clauses. As to the allegation that some secret meeting has been called, which might be described by an American name, I can only say that the practice of a Ministry consulting with their friends has been sanctioned at all times, and I have seen very great mischief caused to both sides of the House by Ministers not consulting their friends. Nothing of our purpose has been concealed. I believe it was announced in the organs which disseminated information, and having taken a course perfectly

legitimate we shall proceed in a legitimate manner in the consideration of the Bill. If hon. Gentlemen opposite had come to the meeting we should have been glad to see them, but their presence would have been unusual.

SIR WILLIAM HARCOURT said, they did not complain of a concealed purpose, but because the result of the consultation was concealed. The real question was, whether they were to discuss this Bill in the House of Commons, or whether it was to be settled outside. The question was, whether the majority of hon. Gentlemen on the other side had settled the terms of this Bill elsewhere, and whether arrangements had been made not known to the House generally. The First Lord of the Admiralty had told the Committee that certain concessions were to be made to hon. Gentlemen opposite in Clauses 6 and 7. The right hon. Gentleman said that was because Clauses 6 and 7 affected Clause 5. That was true; but it was equally true of Clause 46, which affected every clause in the Bill. The right hon. Gentleman said that the Government had made an announcement with reference to Clauses 6 and 7, because the Amendments had been long on the Paper; but so had the Amendments of the hon. Member for North Wilts (Sir George Jenkinson). The course which the Government were taking would involve the most egregious waste of time it was possible to conceive. The House was not placed in a fair position. They were like persons negotiating a treaty, while a plenipotentiary sitting opposite had a secret article in his pocket. They did not complain that the Leaders had consulted their Party; but it was only fair that the House as well as the Party opposite should have an announcement from the Government as to the general nature of the alterations they intended to make in the Bill. The right hon. Gentleman at the head of the Admiralty said the object of the Amendments to the 6th and 7th clauses was to make the terms more elastic; but they would only do so one way. They were not elastic as against the landlord, but were elastic against the tenant. Were the other Amendments to be in the same direction? If the Government had arranged terms further discussion must be practically useless.

MR. HENLEY preferred the words in the Bill as to improvements to those

proposed by the hon. Gentleman opposite (Sir Thomas Acland), because in legislation they must have regard not only to what 99 out of 100 people would do, but to what some wrongheaded man might do. But really this Bill was what it had been described as being in "another place." It was a "model Bill," indicating the things which, in the opinion of the Legislature, ought to be dealt with, and leaving it perfectly free for all parties to deal with them by contract if they thought fit so to do. But they could no more make one Bill applicable to the hundred different circumstances of soil and other matters in various parts of this country, than the House of Commons could take wings to fly. He thought the intention of the Government was that the Bill should be so regarded, and it was impossible to treat it in any other way. It was simply impossible to make a Bill which would meet all the circumstances of every case; therefore, he could not see that it was worth while discussing the vast number of improvements suggested in the Bill by the various Amendments of which Notice had been given, with the intention of making it generally applicable. Treating it as a model Bill, there was some chance of getting through it in reasonable time; whereas if they attempted to make it suit every soil and every variation of circumstances, it would be impossible duly to settle its clauses if they sat till this time next year.

MR. GLADSTONE: The question immediately before the Committee is that you report Progress, and upon that I wish to say a few words. I think the right hon. Gentleman the Prime Minister quite misunderstood the proposition of my noble Friend and his speech. He treated both my noble Friend's Motion and his speech as hostile; but if I understood my noble Friend, neither deserved that character. There is no reproach, as has been stated distinctly by my hon. and learned Friend the Member for Oxford (Sir William Harcourt), intended to the Government for having pursued the course, not unusual, of summoning, on occasions like the present, their supporters—if it be the fact that such a meeting has been held for the discussion of this measure, and for considering what should be the future course of the Government with regard to a number of particular points in the

Bill. We may be wrong in supposing that to have occurred; but, supposing it has occurred and that the Government laid before their friends their views on a variety of most important points affecting the provisions of the Bill, and that the result of the consideration of those provisions has been, as might reasonably be expected, to affect materially the views of hon. Members in regard to the measure, the real question is whether there has been such a consideration of the Amendments, and whether the proceedings of to-day elsewhere have been communicated to their supporters; and the point I venture to press is this—that not merely those who sit behind the Government, but the entire House, are warranted in expecting that if there has been announced, on the part of the Government, the intention of deviating materially from this Bill in several clauses, we, as well as the friends of the Government, are entitled to a conspectus of the Bill. I wish to remind the Committee of the position in which we are now placed. If the Government think they can facilitate the progress of this measure by announcing their intentions with respect to particular parts of this Bill to their immediate supporters, what I as an individual desire, and what I believe the House requires, is, that we also should know what are the intentions of the Government; and so far from my noble Friend's proposal being a hostile one, it was the only proposal he could make most calculated to facilitate the progress of this measure; for many Gentlemen feeling disposed to press their isolated Amendments, possibly leading to lengthened discussion, might, if they knew of the arrangement which had been made, be disposed to consult the general convenience and sacrifice their own immediate views. But the right hon. Gentleman treats the Motion to report Progress as a hostile Motion; whereas it was exclusively meant to meet the point of order, and, knowing that you, Mr. Raikes, are a vigilant and able guardian of the Privileges and Orders of the House, to remove any possible difficulty that might be interposed to such a statement. I would remind the Committee that a very important change has occurred of late years with respect to the proceedings of the House while an important Bill is in Committee. Within a limited number



of years it was in the power of any Member before going into Committee every day to raise a discussion on the general subject of the Bill. This enabled Members to express their views generally on the measure while it was going through Committee, so that the House, at any given stage, had a clear prospect of the work they had to do. That power has been taken away, but it has placed us in this difficulty—when important changes have been reviewed by the Government affecting the general character of a Bill, I believe there is no other mode of enabling the changes intended to be announced except by making the Motion of my noble Friend. Therefore, I say that Motion is a friendly Motion. It implies no blame or censure on the Government for having consulted their friends and made known to them their intentions. If we are wrong in supposing that a variety of important modifications have been accepted by the Government to-day, *cadit questio*; in that case, no doubt, my noble Friend will withdraw his Motion. But if we are right in that, we are bound to ask, and entitled to expect, that we may know the general intention of the Government, not from clause to clause, but on the Bill as a whole. I say, as far as this side of the House is concerned, that is not an unfair proposition; it is necessary to enable hon. Members to consider what course they shall take.

MR. DISRAELI: I cannot say I am convinced that I put an erroneous interpretation upon the Motion of the noble Marquess, and I can say now I have not the slightest desire to encourage friendly Motions of that kind. The speech of the right hon. Member for Greenwich appears to me to be of a very remarkable character. It has one great hypothesis—"If there has been a meeting to-day, of which I know nothing—if there have been great alterations made in the Bill, of which I know nothing—you are bound to come forward and make a statement to us—in a friendly spirit—before you proceed with the Bill." I do not want to have any hypotheses upon the subject. There has been a meeting—I think a most legitimate meeting; I have to meet my friends frequently; I think it greatly facilitates the course of Public Business; and certainly I thought there were circumstances to justify me in giving them the

trouble of meeting that we might consult upon several points. Of course, meeting in that way, Amendments upon the Paper were touched upon. So far as I can form an opinion, the meeting, though it was advantageous, was one which certainly does not justify me in any way in making a formal statement to the House. The most important communication that could be made has already been made by my right hon. Friend the First Lord of the Admiralty. And what is that? That we are going to adopt an Amendment of an hon. and gallant Friend of ours (Sir Walter Barttelot), that has been at least two days on the Paper. With regard to the particular point which seems so completely to interest the hon. and learned Member for Oxford (Sir William Harcourt), I am afraid I cannot hold out to him the prospect of any opportunity for those combinations of infinite mischief which I saw he anticipated. I must inform him that at this meeting we did not accept in any way the Amendment of my hon. Friend the Member for North Wiltshire (Sir George Jenkinson).

MR. RAMSAY said, the question before the Committee was whether the clause was to be adopted in its present form? What would be better than altering the relations of landlord and tenant would be to enable the limited owner to obtain the necessary capital and secure the payment of interest from the tenant.

THE MARQUESS OF HARTINGTON: The main object of the Motion to report Progress was to obtain, if possible, some explanation from the Government, and such explanation has been given in the speech of the Prime Minister. He has informed us that the Amendment which the First Lord of the Admiralty stated it was the intention of the Government to accept is the most important change which the Government have announced their intention to agree to. Upon that assurance we must assume that there are no changes of very great importance affecting very much the character and scope of the Bill which it is the intention of the Government to agree to. The right hon. Gentleman has stated he had no intention to accept the Amendment of the hon. Member for North Wiltshire. I accept that assurance. I have no doubt he also intended to say that

he had no intention of making any considerable modification of the 46th clause. Under these circumstances, I do not think we shall be justified in troubling the House to divide; I would rather express my thanks for the intimation that has been given us.

Motion, by leave, *withdrawn*.

THE MARQUESS OF HARTINGTON said, he supposed the question intended to be raised was, whether the Committee should retain the classification proposed by the Bill or adopt the alternative classification of the hon. Member for North Devonshire (Sir Thomas Acland). He could not help thinking there were serious objections to the classification proposed by the Government. No one was bound in any way by the classification suggested by Mr. Pusey 25 years ago; the question rather was, what, in the present state of agriculture and agricultural enterprise, was the best arrangement that could be made? There had been no answer to the criticisms of the hon. Members for Forfarshire and Durham (Mr. Barclay and Mr. Pease) upon the first and second classes of improvements. It was utterly impossible that we could, with any approach to accuracy, bring the improvements enumerated within the two classes that were to be distinguished by endurance for 20 or for seven years. Drainage, for instance, might last for a very long time or a very short time, and buildings might last for much longer than 20 years. He could not see how, after getting rid of classification as against the landlord, the Government could, in justice, maintain it as against the tenant. The third class of improvements had been more properly designated as outlay upon the operations of agriculture, and the attempt to lay down a scale of compensation for these appeared to be preposterous. Everybody knew that the quality of different kinds of manures was as various as the different manures themselves, and while one kind would soon become exhausted, say in one year, other kinds would last a much longer time. A specimen of the agricultural knowledge with which the Bill was drawn was furnished by the provision which would allow a tenant to recoup himself for the purchase of artificial food for feeding his flock or cattle and yet obtain the cost of it from the landlord or the incoming tenant. What

he maintained was this, that unless the Bill went in elaborate detail into the subject of different kinds of manure and soil, and that in respect of every county in England, no scale of improvement could be laid down which would be satisfactory to either landlord or tenant. The effect of the Bill as it stood would be that in the great majority of cases landlords would contract themselves out of the Bill, or else make separate arrangements in reference to the third class of improvements. Instead of being elastic, the clauses of the Bill would lay down hard-and-fast lines without any elasticity whatever. The Committee, he had no doubt, desired that landlord and tenant should make reasonable contracts with each other; and that being so, he trusted that they would accept the reasonable proposition of his hon. Friend the Member for North Devonshire.

MR. HUNT observed, that the noble Lord, following the example of the hon. and learned Member for Oxford (Sir William Harcourt) was of opinion that the Government were prepared to allow elasticity as against the tenant, but were not prepared to allow elasticity in his favour. The noble Lord could scarcely ask for the tenant farmer more than he asked for himself. He could assure the Committee that they had not acted in the matter without sufficient reason and due deliberation. Her Majesty's Government had had the advantage of seeing the Bill which the Central Chamber of Agriculture had submitted to the public, and which Bill, the Central Chamber of Agriculture being mainly composed of tenant farmers, might reasonably be taken to be promoted in their interest. Well, the maximum terms of years proposed for the two classes of improvements, which the Government had adopted, were the same as those proposed in that Bill—namely, 20 years for what they called permanent improvements, and seven years for what they called durable improvements. The tenant farmers, therefore, being satisfied with the maximum stated in each case, the noble Lord had no occasion to advocate for them more than they asked for themselves. The hon. Baronet the Member for North Devonshire asked the Government to strike out these clauses and adopt his proposals. On the whole, the Government preferred their own plan to the hon. Member's. The object of the



hon. Member was to take a sponge and wipe out all the provisions of the Bill of the Government, and to insert his in place of theirs. Instead of the classification in the Bill, the hon. Member proposed no classification at all, but simply laid down certain principles which would leave the matter vague as regarded terms of years. His hon. Friend the Member for South Norfolk (Mr. Clare Read) had pointed out that the principle of the Bills of 1847 and 1850 and of the measure proposed by Mr. Howard on the subject of classification had been adopted in the present Bill, as it had been in that of the Central Chamber of Agriculture. He trusted that the Committee would, by a decisive majority, decide that the plan of the Government was that on which they had decided to work.

MR. DODSON observed, that if he was not very much mistaken the right hon. Gentleman who had just spoken had on a former occasion stated that the Central Chamber of Agriculture did not, in his opinion, represent the tenant-farmers of the country.

MR. HUNT: The right hon. Gentleman is entirely mistaken. I never said so, nor did I ever say anything like it.

MR. DODSON said, his impression had been so; but, no doubt, his memory had deceived him. The Bill divided improvements into three classes, which it specified in three elaborate lists. Instead of the clause allowing persons to adapt their arrangements to local circumstances, it aimed at establishing a universal custom. It was not sufficiently elastic to adapt itself to the wants of the country, and he therefore trusted that the Committee would adopt the Amendment of the hon. Member for North Devonshire.

MR. GOLDNEY said, that if the Amendment were agreed to, and if a farmer before sowing turnips put in expensive manure and the crop failed, he would get nothing for his outlay.

SIR THOMAS ACLAND wished to know whether the Government adhered to their intention, as expressed in the clause, of having a list of the first, second, and third class?

MR. HUNT said, he thought it had been well understood that the Government adhered to the classification in the clause.

MR. PHIPPS said, he thought that 10 was a better term than 7 years for the

second class improvements, and 20 years for improvements in the first class. The Bill hitherto had not received great praise from either side of the House; but as far as he could see it was a step in the right direction. If it contained nothing but the power to limited owners to charge their estates for improvements, the Bill would be valuable.

Question put.

The Committee divided:—Ayes 285; Noes 117: Majority 118.

SIR THOMAS ACLAND moved, in page 2, line 23, after the word "holding" to insert "by agreement with his landlord." He explained that the object of the Amendment was not to interfere with the Government classification, but to enable the landlord and tenant voluntarily to agree as to the compensation to be given in reference to any of the subjects enumerated in the first two classes.

THE ATTORNEY GENERAL said, he could not accept the Amendment, as it was contrary to the scope of the Bill.

SIR THOMAS ACLAND wished to know whether, if the Bill became law, a landlord and tenant might make agreements with each other without being obliged to adopt the precise method of procedure therein prescribed?

THE ATTORNEY GENERAL said, there was nothing in the Bill to prevent them from doing so.

Amendment *negotiated*.

MR. CHAPLIN said, the improvements for which compensation was to be given to an outgoing tenant were divided into three classes, the last comprising artificial manures and feeding stuffs, both of which would be compensated for according to a scale that would be more properly discussed when a subsequent part of the Bill came under consideration. If he read the Bill correctly the amount of that compensation would be the sum properly laid out during the last year of the tenancy and half the amount laid out in the last year but one. The result would be that the sum would amount to half as much more than was laid out in artificial manures, and three times that in feeding stuffs as was allowed under the Lincolnshire system. He was strongly of opinion that these two kinds of improvements ought not to be paid for on the same scale, as he felt

*Mr. Hunt*



that half the amount of compensation given for manure would amply compensate a tenant for feeding stuff. He looked upon this point as the pith and marrow of the Bill. These so-called improvements were, in fact, not improvements at all. It was a misnomer to call them so, but it was a convenient misnomer, for their judicious use made the distinction between high farming and low farming. He could not think it satisfactory that they should both be paid for on the same scale, and therefore he made those few remarks in explanation of his Amendment, which, however, he would not press if the Government would give an assurance that they would accept the principle it embodied. In conclusion he moved, in page 2, line 23, to leave out "three" and insert "four," thereby making four instead of three classes.

MR. DISRAELI said, he quite agreed with his hon. Friend (Mr. Chaplin) in his view of the third class, which had been described by the noble Marquess the Leader of the Opposition as an absurdity. The fact was that it was not an absurdity, but an inadvertence. The clause was perfectly well-framed according to the original principle—if he might call it principle—on which the Bill was framed—namely, the letting value. If that had been retained in the Bill, it would have been in perfect accordance with justice and reason. In correcting the Bill in "another place" this, by inadvertence, was omitted to be altered. He had given Notice of an Amendment to the 8th clause which he believed would entirely carry into effect the intentions of his hon. Friend the Member for Mid-Lincolnshire. He hoped his hon. Friend would not object to the three classes, as so modified, being retained.

MR. WALTER said, that, as his hon. Friend the Member for Mid-Lincolnshire had referred to the distinction between artificial manures and feeding stuffs, this seemed an appropriate time for him to inquire whether it had occurred to the right hon. Gentleman the First Lord of the Admiralty or to the Prime Minister that there were some farms—and he believed a great number—on which no stock was kept at all, and on which, therefore, no manure, or hardly any, was made. One of the most distinguished agriculturists in the country

informed him two or three years ago that he was farming 1,000 acres in Lincolnshire on which there was no stock whatever. This gentleman sold the whole of his produce and bought all his manure. Now, if this clause were passed in its present form, he would be entitled to compensation for all the manures he had purchased, which would be an absurdity. His hon. Friend the Member for North Wiltshire (Sir George Jenkinson) had, to a certain extent, remedied this flaw by his Amendment, which did not, however, entirely meet the case. He was told that the kind of farming he had alluded to was rapidly growing into fashion in the neighbourhood of large towns, and therefore he wished to call the attention of those who had charge of the Bill to the necessity of putting in words to meet such cases.

MR. GOLDSMID pointed out that the third class would not meet the case where the tenant farmer purchased in autumn a large quantity of cake to fatten cattle in his stalls and sheds and sold them at the commencement of the winter season, thus obtaining, in consequence of their increased value, a fair return for the cake. The manure would be paid for by the incoming tenant, and then the outgoing tenant might make a claim on the landlord in respect of the feeding stuff he had used. He also objected to the provision by which under an agreement the tenant might execute certain work which properly belonged to the landlord. A landlord ought not to be placed in such a position as practically to have to borrow money from his tenant.

MR. HUNT said, he quite agreed that the outgoing tenant ought not to be paid twice for the same thing, nor did he think he would be able to do so under the clause. The case mentioned by the hon. Member for Berkshire (Mr. Walter) was deserving of consideration. It was an exceptional case, and the point would not be lost sight of by the Government.

COLONEL MURE considered the power given to limited owners to enter into agreements with the tenants to make permanent agreements one of the most valuable clauses of the Bill. The Government were, however, entering on a dangerous course in stereotyping the second and third clauses. He believed it would cause a difficulty in the working

of the Bill and cause disputes between landlords and tenants. In Belgium, where the value of unexhausted manures on the expiry of a tenancy were most clearly and distinctly recognized, the local agricultural authorities prescribed the rule, and proportions of such valuation, and under their regulations all disputes were decided. The Imperial Parliament — and he (Colonel Mure) thought wisely — declined to interfere in such transactions, though the local customs had legal force.

MR. PEASE said, Class I would be detrimental to this measure, and that by Clause 34, a limited owner might pay compensation to a tenant, and by agreement with the tenant the limited owner could in respect of that payment get an order from a County Court Judge imposing a charge on the property. By that process, therefore, an estate might be encumbered and deeds of settlement upset. If our laws of entail were to be maintained, he thought this clause came most improperly into the Bill. The interests of remaindermen should be guarded by the Inclosure Commissioners, who should have a voice on those matters.

Amendment, by leave, *withdrawn*.

MR. PEASE moved, in page 2, line 23, to leave out "three," and insert "two." The first class would have the effect of enabling the limited owner by agreement with his tenant to upset the whole law of settlement.

MR. HUNT said, the protection of the interests of the remainderman was the qualification as regarded the letting value. The hon. Member opposite (Mr. Pease) had said that if landlord and tenant agreed, a County Court Judge could give a charge to the prejudice of the remainderman; but according to the provisions of this Bill the arbitrator would have to find, first or all, that an improvement had added to the letting value, and it was for the purpose of protecting the interests of the remainderman that the letting value qualification was retained in the Bill.

SIR WILLIAM HARCOURT said, if the matter could be effected by an arrangement between landlord and tenant, there would be nothing left for the arbitrator to do. He did not in the least complain of the Bill because it was likely to affect the law of entail and

of settlement; indeed, he had already declared that his great admiration for the measure was founded upon the fact that it would destroy that law. The clause as it stood would enable a landlord having a limited interest in the land and his tenant to enter into an agreement for large sums to be expended on the estate, and on their going before a County Court Judge the latter would be compelled to make the sum to be expended a charge upon the property.

MR. NEWDEGATE said, that under the Inclosure Act there was no difficulty as to borrowing if due notice was given.

THE ATTORNEY GENERAL pointed out that the interests of the remainderman in the estate would be fully protected by the provisions contained in the subsequent clauses.

MR. RODWELL was also of opinion that if the County Court Judge became aware that such a nefarious transaction as that suggested by the hon. and learned Gentleman were in progress he would have power to interfere and put a stop to it.

SIR HARCOURT JOHNSTONE also thought that the provisions in the subsequent clauses were sufficient to protect the interests of the remainderman.

MR. HUNT said, the Government believed the remainderman was sufficiently protected in the Bill; but if, on consideration, it appeared that further protection was necessary, the necessary words would be inserted in the Bill at a later stage.

MR. GOLDSMID said, he thought the remainderman was more than sufficiently protected already.

MR. NEWDEGATE said, he hoped the remainderman would receive notice of improvements in order that he might protect himself against excessive charges.

MR. BERESFORD HOPE protested against the exaggerated position assigned by the last speaker to the remainderman. He considered that a main merit of the measure consisted in its making the continuance of settlements possible by providing equal advantages for tenants on a settled estate. As to the three classes, he protested against any disturbance of them in regard to the hop culture. All who knew the condition of the hop districts were aware that over-planting was the mischief to be avoided.

MR. STARKIE hailed the Bill with great satisfaction, and was glad to see

that it contained provisions for compensation; but he objected to their being divided into three classes. The improvements in the third class were plausible, but were likely to lead to abuse, and he should therefore like to see them struck out of the clause.

MR. PEASE said, that seeing the array of Members behind the Treasury bench, he could not expect to carry his Amendment, and would therefore withdraw it.

Amendment, by leave, *withdrawn*.

SIR GEORGE JENKINSON moved, in page 2, line 29, to remove the words "laying down of permanent pasture," from "first class" to "second class."

MR. HUNT explained that the Amendment of the hon. and gallant Member for West Sussex (Sir Walter Barttelot), which the Government intended to accept, would meet the case.

Amendment, by leave, *withdrawn*.

MR. KNATCHBULL-HUGESSEN moved an Amendment for the purpose of exempting the making and planting of osier beds from the clause. He pointed out that two of the "improvements" specified in Class I. differed from the rest, inasmuch as they referred to cropping the land—that was, by osiers or by hops. He thought it a mistake to interfere at all by legislation with the cropping of land by the tenant. On his own estates, osier beds had been grubbed and planted by tenants without any interference on his part. If this clause passed as it stood, no tenant would be able to obtain compensation for any expenditure on this account, unless he had gone cap in hand to his landlord and obtained his written consent to crop his land in this particular manner. All these things were matters of detail, and the granting of compensation or not might well be settled by the referees without specific legislation as to each.

MR. CLARE READ thought that, as an osier-bed cost something to make, and it was some time before a return was received, the improvement was one which was very properly put into the first class.

Amendment, by leave, *withdrawn*.

MR. GOLDSMID said, that compensation was to be had for the "making or improving of roads and bridges," but

improving a road was the ordinary duty of a tenant. He moved the omission of the words "or improving of."

MR. CLARE READ observed, that it was the duty of the tenant to keep roads in repair, but not to improve them. The improvement, such as metalling a road, would be a permanent work for which tenants should certainly be compensated.

Amendment, by leave, *withdrawn*.

MR. GOLDSMID moved that the making or improving of watercourses should be omitted from the list of things for which compensation was to be awarded.

MR. CLARE READ said, that what the hon. Member seemed to think was a "watercourse" was, in fact, a mere water-furrow. A watercourse was an important improvement, for which there should certainly be compensation.

MR. GOLDSMID mentioned that what the hon. Member called a water-furrow would in Kent be called a watercourse. These differences showed the difficulty of making provisions which should bind all parts of the country.

Amendment *negatived*.

MR. GOLDSMID moved the omission of "making of fences" from the first class, with the view of inserting it in the second class of improvements.

SIR THOMAS ACLAND said, the whole thing was utterly absurd; it was idle to discuss this classification of improvements. As the Government were determined to pass it, they must do so; though, for his part, he would rather have the Bill a true and practicable one, for he did not want, like the supporters of the Government, to contract himself out of it.

MR. DISRAELI said, that what was "utterly absurd" might be difficult to decide; and possibly those on his side of the House might have some such an idea as to opinions expressed opposite. With regard to the opinions of the hon. Baronet, the Committee had decided against them, and the country was disposed to do so too. Therefore, though he thought their opinions were "utterly absurd," they were not placed within that category by the majority of the House or of the country. Of course it was known that the items in these clauses did not apply with equal relevancy to



all parts of the country; what was aimed at was to give a general guide to the country on the subject. It could not be pretended that it was possible to draw precise clauses which would apply to all parts of the country. This was certainly not a Bill which could be described in the magniloquent terms in which the hon. Baronet the Member for North Devonshire had announced that he alone would respect legislation. It was a permissive Bill, which for the first time treated with a subject of infinite magnitude and infinite difficulty, and one which the Government thought of infinite necessity, and upon which the country wanted and wished to be guided. Under these circumstances it was brought forward; in that temper it was supported; and he did not think the sort of opposition which was carried on by the hon. Baronet would be successful.

SIR THOMAS ACLAND said, he had no wish to use a hasty expression towards anybody, and therefore he begged to say he was sorry for having used the word "absurd" in the way he did.

SIR HARCOURT JOHNSTONE said, the First Lord of the Admiralty had objected to a proposed Amendment because it was not suggested by the Chambers of Agriculture, but the Government did not adopt all the Amendments of the Chambers, as they were bound to do, for if the Chambers of Agriculture were to be the sources of inspiration of the Government, they should take the rough with the smooth, and not cull and pick only where it suited their purpose.

MR. JACKSON said, no doubt the principle laid down as to the character of the Bill was a right one, and it was because he wished to be brought as little as possible to consider the necessity of contracting himself out of it that he thought they were justified in criticizing the details of this clause and in endeavouring to make them as useful as possible. There was a great variety of fences which this description would apparently include. He was prepared to support the Amendment.

MR. CLARE READ said, the Bill was at one time described as too precise, and then as too loose. The reason for putting this improvement in the first class was that the landlord's consent was necessary, and that a good quickset fence required two sets of rails to protect it until it was fully grown.

LORD ELCHO denied that the Government was acting with reference to the measure as the mouthpiece of the Chambers of Agriculture.

MR. PEASE hoped that his hon. Friend would not press his Amendment.

MR. GOLDSMID said, that the House could deal with the Amendment as it pleased. He would not press it to a division.

VISCOUNT GALWAY expressed a hope that this matter would be under the control of landlords, as the making of wire fences ought not to be encouraged.

Amendment, by leave, *withdrawn*.

MR. J. G. TALBOT moved, in page 2, line 32, to leave out "planting of hops." His object was to make hop-planting a second instead of a first class improvement.

MR. BERESFORD HOPE trusted the Amendment would not be agreed to. It was generally three years before hop-gardens began to pay. If hop-planting were placed in the second class, it would be simply telling the farmers that they might speculate in hops without consulting their landlords.

MR. HUNT opposed the Amendment on the ground that hops had been transferred from the second to the first class in the House of Lords, because it was considered that the landlord ought to have some control over the cultivation of that plant.

MR. GOLDSMID agreed with Her Majesty's Government in placing the planting of hops in the first class. In many agreements the acreage to be under hops was specially limited, as their cultivation required a very large amount of capital, and as too large a proportion often encouraged the tenant to pay almost exclusive attention to their growth to the prejudice of the other land.

Amendment, by leave, *withdrawn*.

MR. FRANCIS ARKWRIGHT moved, in page 2, line 38, to leave out "pasture."

SIR THOMAS ACLAND observed, that they had now arrived at the second class of improvements, when he thought the question might be put to the Government whether it was their intention to adopt the various Amendments of which their supporters had given Notice

under this head. The intention of the Government on that point must necessarily affect the views of the Committee.

SIR WILLIAM HARCOURT hoped the Government would not depart from the principle they had laid down with reference to the second class of improvements—that they did not require as a condition precedent any agreement on the part of the landlord. This was a most important matter, and he hoped the Government would adhere to their original intention.

MR. DISRAELI said, the Government had no intention of departing from the language of the clause.

MR. NEWDEGATE thought that where the consent of the landlord was to be asked there were some items which might involve the landlord in considerable difficulty.

MR. CARPENTER-GARNIER thought that as to some of these provisions it was desirable that the landlord should have the power of objecting.

*Amendment agreed to.*

MR. NEWDEGATE moved an Amendment with the object of excluding clay burning from the operation of the clause, and inquired whether the consent of the landlord was necessary to render him liable for any improvements of this class? It was quite possible that a tenant might spend as much as £30 an acre on clay burning, and that would be a serious matter to the landlord unless his consent were obtained.

MR. HUNT replied that it was not intended that the consent of the landlord should be necessary for any improvement mentioned in the second class. The instance referred to by his hon. Friend seemed an extraordinary one.

*Amendment, by leave, withdrawn.*

COLONEL ALEXANDER moved, in page 3, line 3, to leave out "artificial or other." He said that in Scotland the farmers were of opinion that improvements of the third class ought to find no place in such a Bill. He especially referred to sulphate of ammonia, nitrate of soda, and other manures of a nitrogenous character, the effect of which was so temporary that they left the soil in a worse condition than they found it. The tenant of the year might profit by these manures, but his successor would lose by them. When nitrate of soda was

used for hay especially it left the land in a worse state than before.

MR. CLARE READ thought the words should be retained, inasmuch as a new manure might be discovered.

MR. ORR-EWING agreed that the manures in question were not a permanent benefit, but rather an injury to the land.

MR. JACKSON thought it desirable to adopt the Amendment on other grounds than those mentioned by the hon. Member for Ayrshire.

SIR WALTER BARTTELOT said, that nitrate of soda was one of the most exhausting things that could be used on the land. Other manures of the same character ought to be omitted from the Bill, such as sulphate of ammonia and soot as a dressing for wheat.

MR. HUNT said, that the term "artificial manures" was well known in agriculture.

MR. WILBRAHAM EGERTON believed that instead of a tenant getting compensation for nitrate of soda he should pay compensation to the landlord for using it.

MR. HUNT submitted that the proper time to deal with this question was when they came to consider what restrictions ought to be placed on compensation for the third class of improvements.

LORD ELCHO referred to the discussion as an illustration of the difficulty of dealing with the subject, and said Mr. Lawes had told him that nitrate of soda was the *summum bonum* of agriculture. Seeing that chemistry was an advancing science, he thought it would be unwise of Parliament to lay down rules for its application to agriculture.

SIR EDWARD COLEBROOKE thought there ought to be a definition of the artificial manures proposed to be included in the Bill.

SIR JOSEPH BAILEY suggested that the words "artificial or other purchased manures" would meet the difficulty; but, having accepted a variation of his Amendment suggested by the hon. Baronet the Member for North Wilts,

*Amendment agreed to.*

MR. STORER moved, in page 3, line 3, before "cattle," insert "horses." Many farmers were, he observed, in the habit of giving horses cake and artificial manure. It was the practice in some districts to prepare horses for fairs.

MR. CLARE READ said, cart-horses were part of the machinery of the farm. They must be fed, and it would be hard for any one but the owner to have to pay for what they consumed.

Amendment *negatived*.

SIR GEORGE JENKINSON moved to amend the clause by inserting in page 3, line 2, after the word "manure," the words, "in addition to all manure made on the holding."

Amendment *negatived*.

MR. PELL moved to amend the clause by inserting, after the word "manure," the words, "other than undissolved bones."

Amendment, by leave, *withdrawn*.

COLONEL BRISE moved the omission, after the word "stuff," of the words—"not produced of the holding," contending that if they were retained, considerable inconvenience might be occasioned to the farmer.

Amendment proposed,

In page 3, line 4 of the second column, to leave out the words "not produced on the holding," and insert the words "so far as they are of manurial value to the succeeding occupier,"—(*Colonel Brise*,)  
—instead thereof.

MR. GOLDSMID said, that point had been already discussed, with reference to the increased value of the stock after consuming the oil cake.

MR. WILBRAHAM EGERTON said, the object the hon. and gallant Member had in view would be best attained by the proposed Amendment of the Prime Minister on Clause 8.

SIR WALTER BARTELOT asked what check there was that the corn claimed for had been consumed?

LORD ELCHO said, this was an important Amendment. The value of unexhausted manures varied so very much that he thought the only rate upon which they could safely proceed was to value only those manures which were tangible and visible.

THE MARQUESS OF HARTINGTON thought the Committee were wasting their time on the Amendment. He believed that in one or two years not one estate in a hundred would be under the operation of this clause. Undoubtedly, if the clause was to have any application at all, the principle of the Amend-

ment was right. He could conceive no reason why an outgoing tenant should be compensated for manures.

MR. CHAPLIN thought the Amendment would open the door to fraud, and he hoped the Government would not adopt it.

MR. HUNT said, he thought the Amendment right in principle, but there was some difficulty in adopting it in this clause. It had better stand over till they arrived at the 8th clause, and, in the meantime, they should maintain the words as they stood, or the words proposed might be brought up on the Report.

Question put, "That the word 'not' stand part of the Clause."

The Committee *divided*:—Ayes 251; Noes 109: Majority 142.

Clause *agreed to*.

Clause 6 (Time in which improvement exhausted).

COLONEL WILSON moved, in page 3, line 9, after "shall," to insert—"not in any case." His object was to give elasticity to the first two clauses. Every improvement made in Class I. was to extend over a fixed period of 20 years, and in Class II. over a period of seven years. He proposed that 20 and seven years respectively should become the maximum of the two periods, and that it should be left to the arbitrators to determine for how long a period these improvements should extend.

SIR WILLIAM HARCOURT suggested that the elasticity in the clause should be applicable to both parties, instead of keeping the maximum price against the tenant, whilst it was not to be conclusive against the landlord, though there were many improvements, like building bridges and houses, which ought to continue for more than 20 years.

MR. CLARE READ said, the argument of the hon. and learned Gentleman would, if pursued, lead to the conclusion that at no time was a permanent improvement to become the property of the landlord. He had never heard in any Chamber of Agriculture or Farmers' Club more than 20 years asked for on this point, and he was sure no tenant farmer wanted a larger limit, as he could not be expected to spend much money on such improvements.



MR. EVANS thought that, in connection with such improvements as the erection of houses and the making of roads, the limit ought to be 30 years.

SIR WALTER BARTTELOT pointed out that it was necessary to take care lest the incoming tenant should be made to pay for improvements which might be exhausted.

MR. DODDS moved to report Progress, on the ground that hon. Members on his (the Opposition) side of the House had not been informed as to the arrangements made by hon. Gentlemen opposite elsewhere to-day, and that this important clause required great consideration.

MR. DISRAELI understood that some Members of the House wished to make personal explanations to the House, and therefore, although he should have liked to finish this clause, he would assent to the Motion, in order that those Gentlemen on both sides of the House might have the opportunity of making those remarks in which their feelings were so much engaged.

*Motion agreed to.*

In reply to Mr. GOLDSMID,

MR. DISRAELI mentioned that the Bill would be first in the Orders for To-morrow, and would be taken at 2 o'clock.

Committee report Progress; to sit again To-morrow, at Two of the clock.

# MERCHANT SHIPPING ACTS AMENDMENT (re-committed) BILL.—[BILL 116.]

(*Sir Charles Adderley, Mr. Cavendish Bentinck, Mr. William Henry Smith.*)

COMMITTEE. [*Progress 21st June.*]

Order for Committee read.

Motion made, and Question proposed, "That the Order be discharged."—(*Mr. Disraeli*).

MR. BATES: Mr. Speaker, I have to ask the indulgence of the House whilst I make some reference to the extraordinary and very distressing exhibition we witnessed this afternoon. As to the statements made and epithets used regarding myself by the hon. junior Member for Derby (Mr. Plimsoll), I forgive him. Anyone who witnessed his conduct will, I think, agree with me in saying that he was not responsible for his

actions or sayings. It is, unfortunately, too true that during the years 1873, 1874, and 1875, I lost five ships—four of them coal laden—and one on her homeward voyage from Calcutta. All of them were iron ships, all classed A 1, and I think I may safely say as fine ships and as well found in every respect as ever went to sea. These particulars I think it necessary I should give to hon. Members. To myself the loss, pecuniarily speaking, was very heavy, as it is well known that I never insure my ships to more than half or two-thirds their market value; but, Sir, this did not give me a moment's thought. I did at the time, and still do, deplore the loss of my men, and the only consolation is knowing that so far as human foresight could go, the ships were as good and safe as man could make them. I thought it was my duty to make this statement to the House. As for myself, I think I may safely leave my character as a merchant and shipowner to the general public outside. I and my ships have been well known for a quarter of a century, and I am proud to think that no shipowner stands better with his underwriters than I do. The statement made by the hon. junior Member for Derby will, to those by whom I am known, be looked upon, I feel assured, as I look upon it—namely, with pity. I thank the House for allowing me to bring the matter before them, and can only hope hon. Members will not think I have occupied their time and attention improperly.

MR. T. E. SMITH observed, that shipowners were well pleased to learn from Her Majesty's gracious Speech at the commencement of the Session that the subject dealt with by the Bill was to be taken in hand by Her Majesty's Government. They were not, however, satisfied with all the provisions of the measure which had been introduced in pursuance of the undertaking so given. But this Bill, which had been put down for second reading on the 22nd of February, went through various changes during the Session. When read a second time it could hardly be described as the Bill introduced by the right hon. Gentleman the President of the Board of Trade. It was read a second time on the understanding that it would be committed *pro forma*, and that a full opportunity for discussing it would be given.

Once more the Bill was changed, and it became of a totally different character from what it was on the second reading. The consequence was, that it was impossible for the measure to be brought into a practical shape without a considerable amount of discussion. But the opportunity of discussion was not given. He and those who were interested in the subject were prepared to sit in the House for any length of time provided Her Majesty's Government would give a full and fair opportunity of discussing the Bill. At length, seeing that we had arrived at this late period of the Session, he felt it his duty to put on the Paper a Motion for the discharge of the Order, not from any desire to obstruct the progress of the Bill, but with a view to elicit the intentions of Her Majesty's Government as to the course of legislation to be pursued. He thought that all who took an interest in our seamen and in the shipping trade felt strongly that they had a right to complain of the conduct of the Government in this matter. No less than five months had been permitted to elapse during which this Bill occupied a prominent place on the list of Orders, and nothing was done. Some time ago it was said that it was impossible to drive five omnibuses abreast through Temple Bar. But Her Majesty's Government had attempted to drive six cabs through Temple Bar, and thus had obstructed the progress of the only omnibus in which the public took an interest. He had no wish to undervalue any of the other measures brought forward by the Government; but he believed he could say with truth that no Bill had been so urgently required as one with regard to Merchant Shipping. The course which the Government had pursued with regard to it would not redound either to the credit of their good management of the business of that House or to their popularity in the country at large. He accounted for the failure of this measure upon two grounds—first, the want of a proper understanding as to the principles of the Bill, and the objects to be arrived at. It was characterized by a want of practical knowledge, and should at an early stage have been referred to a Select Committee. In this way they might have had an efficient measure; but they were now no further advanced than they were in the month of February. The other

cause of failure had been that the Representative of the commerce of the country was not a Cabinet Minister, and therefore could not enforce his views on his brother Ministers. He hoped the Government would see the necessity of giving the President of the Board of Trade a seat in the Cabinet. The course pursued by the Government would be received with disappointment throughout the country, and he trusted that they would not long be left without an efficient, satisfactory, and complete measure on the subject.

MR. RATHBONE, as representing the largest shipowning constituency in the country, desired to confirm the protest of the hon. Member against the conduct of the Government. The right hon. Gentleman who had charge of the Bill had listened carefully to all the suggestions that had been offered him, and had done his best to carry the Bill; but he did not think the right hon. Gentleman had been put in a proper position to conserve and promote the best interests of the trading classes of the country, because, as President of the Board of Trade, he had not a seat in the Cabinet, while he was assisted by a Minister who was not allowed to speak in the House. The Bill was mentioned in the Speech from the Throne, the country expected it to be passed, and the shipping trade was hampered by the prospect of legislation which might affect the principles on which ships were built and found.

SIR CHARLES ADDERLEY said, he sympathized with those who expressed regret and disappointment at the withdrawal of the measure. He could only say that he himself did his utmost to press it on; he had been in earnest from the very first; he had taken every means in his power for the success of the Bill; he had spared no care or pains to make himself acquainted with the subject; and he employed men of the greatest acquaintance with it and of first-rate ability to assist in the preparation of the Bill. He deeply regretted that the pressure of other business and the want of time had led to postponing a Bill which he believed would have been a settlement for many years of a great part of a question of national importance. He wished to bear testimony to the fact that Members of the House on both sides, having a

*Mr. T. E. Smith*

personal interest in this question, had shown a noble readiness to postpone to the public interest what, if they had taken narrower views, they might have thought adverse claims of their own. He took every means of consulting them, and he obtained great support and assistance from them; although, whatever assistance he had received from the Member for Tynemouth (Mr. T. E. Smith), he must say the hon. Gentleman seemed to have put the highest value on this measure at the moment when he was about to lose it. He would also say with regard to the hon. Member for Derby (Mr. Plimsoll), of whom they had such painful recollections that evening, that the House must acknowledge that hon. Member had shown great forbearance, and had reserved his opposition to the Bill to that part with which his name was honourably associated. He was well aware of the way in which that hon. Member's mind had been excited on the subject, and that many of his statements, such as they had heard that day, had been unfounded and exaggerated. But, at the same time, they would acknowledge the gratitude which the country owed to him for calling public attention to this most important subject, with a vigour which led the Government to deal with it in a manner which they might not otherwise have done. For himself, the only thing which at all reconciled him to the withdrawal of the Bill was the assurance he had that it would be one of the first measures dealt with and vigorously prosecuted next Session, and he could promise that, in the meantime, he would not fail to take advantage of the information he had gained in the discussions that had taken place on this Bill, in order as far as he could to improve and enlarge the measure. He hoped that next year the Government would arrive at a complete and permanent settlement of a difficult national question.

Mr. GOSCHEN said, that the House could not do otherwise than admire the good feeling and good taste of the remarks just made by the President of the Board of Trade. While he deeply regretted the withdrawal of the Bill, he entirely appreciated the spirit in which the right hon. Gentleman had dealt with this matter. The Government deserved great credit for not having been carried

too far in a feeling, most honourable in itself, as regarded the great shipping interests of this country. While he wished to pay this tribute of respect to the right hon. Gentleman, it only heightened his regret that the opportunity had not been taken to settle a question that had excited so much interest in the country. The House must, however, feel that whatever the fate of this Bill had been, it had not been suppressed by the action of the shipowners. He assured the right hon. Gentleman who had charge of the Bill that when it was next introduced he would find the House, so far as he could answer for it, ready to assist him in passing it. He regretted that the Bill could not be passed that Session, as the hanging up of the question was very injurious to the shipbuilding interest of the country. The Government ought not to have introduced so many Bills, nor have allowed less important measures to interfere with the passing of this one. The best course for a Government to follow was to stick to their great measures and not to leave them till they had passed through the House. But in the case of this Bill the Government had postponed it from time to time, and had permitted other measures which were not so much needed to be dealt with by the House, and he hoped that that course would not be pursued in another Session. He thought the House had reason to complain, not of the Minister who had charge of the Bill, but of those who were responsible for the conduct of Public Business.

Mr. BENTINCK said, that the right hon. Gentleman at the head of the Board of Trade had done his best to carry this Bill through during the present Session, but that circumstances had been against him. He thought that the withdrawal of this measure should be a subject of congratulation to the country, because almost all the causes of the loss of life at sea were left untouched by the Bill. He was glad that the measure had been disposed of, and he hoped that before next Session the Government would be able to consider more carefully the details of the subject.

Mr. MACDONALD concurred with the observations of the hon. Gentleman who had just sat down. He thought the Government had done the only right thing in withdrawing this Bill. The Royal Commission recommended that



the system of advance notes should be prohibited, and the Bill, as originally framed, prohibited it, but pressure was brought to bear on the Government, and under that pressure that most valuable part of the Bill was lost. He rejoiced that the Bill was withdrawn, because he hoped that the Bill to be introduced on this subject next year would deal effectually with that question. Hon. Members on the Opposition benches professed to regret the withdrawal of the Bill; but it should be remembered that the representatives of the shipping interest did everything they could to impede its progress. They tried to cut out the best parts of the Bill, and to increase the pains and penalties on seamen. He thought it was very bad taste on their part now to turn round upon the Government and upbraid them for withdrawing it.

LORD ESLINGTON said, he deeply regretted the withdrawal of the Bill, and sympathized deeply with the right hon. Gentleman the President of the Board of Trade, after the trouble and pains he had taken in preparing it, to find himself compelled to take that course. He had had as much experience of the feelings of the shipowners as perhaps any Member of that House, and he denied altogether the allegations which had been made against them. So far from impeding the progress of the Bill they had done everything in their power to aid the Government in preparing and passing a satisfactory measure. He did not, however, regret the withdrawal of the measure on its own merits. He regretted that it did not embody the recommendations of the Royal Commission, of which he was a member, for the Saving of Life. In that respect the measure was inadequate, and its provisions of the most meagre character. After the statement of the right hon. Gentleman he did not doubt that the whole subject would receive ample and careful consideration during the Recess; and he trusted that its withdrawal would have the effect of enabling the Government to introduce at the commencement of next Session a measure which would not only protect the interests of the shipowners, but also secure protection to the seamen so far as the preservation of life was concerned.

*Mr. Macdonald*

MR. E. J. REED believed that the Bill had been framed by the Government under the pressure of an outside agitation, and he hoped that during the Recess they would not need a renewal of that agitation, because of the influence which had produced the present disappointment. With respect to the recommendations of the Royal Commission, he had always felt that in many respects they were objectionable; and he trusted that in framing a new measure the President of the Board of Trade would be guided less by their views than by the opinions of Members of that House who were practically acquainted with the details of the subject. He regretted to hear the right hon. Gentleman express his confidence in the gentleman who had drawn the Bill. He hoped that confidence would not be carried so far as to entrust him with the drafting of the Bill for next Session.

MR. GORST said, he thought the Government deserved the thanks of the country for having had the courage to refuse to pass a mutilated Bill. There was a strong temptation to pass into law those clauses through which the Committee had gone. Those clauses related chiefly to pains and penalties, and the clauses which had not been touched were those which related to the preservation of life at sea. If a measure containing the former were passed, while the clauses relating to the preservation of life were indefinitely postponed, the seamen would probably be placed in a much worse position than they were in at present. He hoped that, profiting by the experience of the present Session, Government would introduce a Bill next year which would effectually settle this great question.

MR. WILSON remarked that the hon. Member for Derby (Mr. Plimsoll), under feelings of great excitement, had accused the shipowners of having done their best to impede the progress of the Bill, but that the hon. Member for Stafford (Mr. Macdonald) had deliberately repeated the charge without having the same excuse. To the statement those hon. Members had made he must give a most emphatic denial. The shipowners, on the contrary, had done everything in their power to assist the Government, not only in preparing the Bill, but in carrying it through the House. He would also testify to the

great trouble which the President of the Board of Trade had taken to make himself acquainted with all the bearings of the case. The right hon. Gentleman visited all the principal ports, and did everything in his power to obtain practical information from those who were able to give it. Probably the country would not be inclined to accept the excuse which had been given for the withdrawal of the Bill—namely, that that course was rendered necessary by the pressure of Public Business—for this was a question of life and death, and ought therefore to be preferred to the questions involved in the Agricultural Holdings and other Bills, which could stand over without much detriment to the country.

CAPTAIN NOLAN said, that as some hon. Members in that part of the House wished to make explanations on behalf of the hon. Member for Derby (Mr. Plimsoll), in order to give them an opportunity of doing so he begged to move the adjournment of the debate.

Motion made, and Question proposed, "That the Debate be now adjourned."  
—(*Captain Nolan.*)

THE CHANCELLOR OF THE EXCHEQUER said, he could not understand what advantage would be derived from adjourning the debate. There was a general feeling that the Bill was one of such great public interest that its withdrawal justified the somewhat unusual conversation which had occurred. But it would be carrying the proceeding rather far if they were now to adjourn the discussion to another day. It would be really very difficult to find a day for its resumption, and it was more in consonance with the feeling of the House that the discussion should now be brought to a close.

THE MARQUESS OF HARTINGTON said, he hoped that the hon. and gallant Member would not press his Motion. The only question was whether Government had done rightly in preferring to proceed with the Agricultural Holdings (England) Bill rather than with the Merchant Shipping Acts Amendment Bill; for it had become perfectly evident that both could not be proceeded with. But there would be other opportunities of discussing the conduct of the Government in that respect, and no public ad-

vantage could be gained by the prolongation of this debate.

MR. MELDON considered that the hon. Member for Derby had been very unfairly treated. The right hon. Gentleman the Prime Minister brought the debate on the Agricultural Holdings (England) Bill to an abrupt termination at an early hour, on the alleged ground that some hon. Members were desirous to make "personal explanations;" but no personal explanations had been made, and the Merchant Shipping Acts Amendment Bill was then called on in order that a Motion might be made that the Order for proceeding with the Bill be discharged. He considered the proceeding a most unfair one.

MR. MARK STEWART said, it had been already arranged that the hon. Member for Derby should have an opportunity of making any explanation next Thursday, and that the House would have been in a position to pass this Bill had it not been for the conduct of hon. Members opposite, below the Gangway.

MR. BIGGAR complained strongly of the course taken by the Government, who, when they were trying to push the Irish Coercion Bill through the House, persevered with it from day to day, and did not cease until they carried their object.

Motion, by leave, *withdrawn.*

MR. SULLIVAN said, he had not desired the adjournment of the debate from any wish to lend unusual importance to what he wished to say on behalf of the hon. Member for Derby, but he was anxious to fulfil an obligation to that absent Member. He desired to lift the question out of the position into which it had fallen, and to fix the Government with a proper measure of accountability. He complained that under cover of a sympathetic hearing for a personal explanation the Government was about to escape from a considerable and painful dilemma. For seven hours they had been discussing in Committee the question of manorial value, and the Government, on a point of obstinate pride, was persisting with a Bill which many of their own supporters opposed, which was not urgently called for by the country, and for which they were sacrificing this vital measure. The House would naturally revolt against an attempt to present the sentimental side of

the Merchant Shippings Acts Amendment Bill after the circumstances that had occurred that evening. Yet, however much they might condemn what had happened, public opinion out-of-doors moved very much in the same line, and the Government incurred a terrible accountability when they threw over a Bill that would save human life in order that they might persist in carrying out a permissive theory of tenant right. Until within the last three or four days the Government had kept the word of promise to the ear, the Prime Minister having only three days ago mentioned the Merchant Shipping Acts Amendment Bill as second on the list of those that he intended to persevere with. He would conclude by referring to the contents of letters addressed to the hon. Member for Derby on the condition in which ships were sometimes sent to sea, and would press upon the attention of hon. Members that this was a question of life and death to hundreds, if not thousands, of people.

THE CHANCELLOR OF THE EXCHEQUER said, the Government cordially reciprocated the regret which had been expressed by his right hon. Friend the President of the Board of Trade at the withdrawal of the Merchant Shipping Bill. It was with the greatest regret that the Government found it necessary at the last moment to move that this Order be discharged. They found the Merchant Shipping Bill in such a position that even if the Agricultural Holdings Bill were out of the way there was not time to consider it fully. The postponement of the Bill till next Session would forward the solution of the question rather than hinder it.

THE MARQUESS OF HARTINGTON said, he could not allow the debate to close without pointing out that the statement just made by the Chancellor of the Exchequer was totally at variance with that which had been made by the Prime Minister.

Original Question put, and *agreed to*.  
Bill *withdrawn*.

EAST INDIA, AUDITOR OF ACCOUNTS,  
&c. [SUPERANNUATIONS].

*Considered in Committee.*

(In the Committee.)

Motion made, and Question proposed,  
"That it is expedient to authorise the payment, out of the Revenues of India, of a Super-

annuation or Pension to any person who has held the office of Auditor of Indian Accounts, and to certain Clerks and Officers on the Establishment of the Secretary of State for India."

Motion made, and Question put,  
"That the Chairman do report Progress, and ask leave to sit again."—  
(*Mr. Fawcett.*)

The Committee *divided*:—Ayes 32;  
Noes 51; Majority 19.

Original Question again proposed.

Committee report Progress; to sit again *To-morrow*, at Two of the clock.

House adjourned at half  
after Two o'clock.

## HOUSE OF LORDS,

*Friday, 23rd July, 1875.*

MINUTES.]—PUBLIC BILLS—*First Reading*—  
Department of Science and Art \* (221); Conspiracy and Protection of Property \* (220); Turnpike Acts Continuance \* (222); Foreign Jurisdiction \* (224).

*Second Reading*—Entail Amendment (Scotland) \* (214); Washington Treaty (Claims Distribution) \* (216).

*Committee*—Pharmacy \* (209-223).

*Third Reading*—Police Constables (Scotland) \* (199); Police (Expenses) \* (207); Copyright of Designs \* (211), and *passed*.

## PARLIAMENT—BUSINESS OF THE SESSION.—QUESTION. OBSERVATIONS.

EARL GRANVILLE: I wish to put a Question to the noble Duke opposite (the Duke of Richmond), of which I gave Notice yesterday, respecting the course of Public Business. I do not put the Question in any way of complaint; but I put it in order to get information—which is not always the object of Parliamentary Questions. I may say that with one exception—to which I do not now intend to allude—I do not think your Lordships' House has any cause to complain of the conduct of Business this Session by the noble Duke. Her Majesty's Government brought in many important Bills at the beginning of the Session, and they received more than average attention at that period of the Session. As regards the future, your Lordships are aware that for seven-

*Mr. Sullivan*



ral years it was urged that it was the duty of your Lordships' House to consider all important measures even at a late period of the Session. I find that my Question is not quite so urgent as it was yesterday, for I find the Prime Minister has modified his declaration that all Government Bills were to pass this Session. My noble Friend opposite will remember that in a speech which he delivered in another place, and which showed remarkable power and produced a very great effect, he drew a comparison of the legislative action of the present Government with that of the late Government, and stated that all the Government Bills would pass—or certainly all that were important. I think my noble Friend alluded particularly to the Merchant Shipping Bill, which I hear has now been abandoned. Fearing that the House might be left in ignorance of the subjects to be brought before it, I should very much like to know, Whether my noble Friend can give the House any information as to what Bills are likely to be brought before us during the remainder of the Session and at what time?

**THE DUKE OF RICHMOND:** With regard to the principle my noble Friend has laid down of discussing measures at a late period of the Session, I imagine your Lordships will be perfectly prepared to receive and discuss any Bills which may be sent up for our consideration by the other House of Parliament. I wish to refer to one part of my noble Friend's remarks in which he stated that my right hon. Friend the Prime Minister had announced his intention to carry all the Bills which the Government had introduced. I think my noble Friend has misapprehended what was stated by the Prime Minister on the occasion to which he alludes. If I mistake not, the Prime Minister was referring only to Bills which had then passed the second reading—that is my impression of what he intended to convey. With regard to the measures which Her Majesty's Government are preparing to bring forward, and also with reference to the speech which my noble Friend has done me the honour to allude to which I made in another place, I may say that if I had to speak again tomorrow I should be quite prepared to make the same speech as I delivered on that occasion—with the exception, of

course, of one Bill which has since that time been abandoned by the Government, because they felt it would be impossible to discuss it sufficiently this Session—I mean the Merchant Shipping Bill. With regard to the Business before your Lordships, my noble Friend will see that a Bill of some importance stands for second reading this evening—namely, the Scotch Entail Bill. Then there is the Pharmacy Bill, which will be considered in Committee this evening. The Police Constables (Scotland) Bill, the Police Expenses Bill, and the Copyright of Designs Bill stand for third reading, and the Washington Treaty (Claims Distribution) Bill is down for second reading. There are two very important Bills which have been read a third time in the other House of Parliament. One has been read a first time in this House, the Employers and Workmen Bill; and the Conspiracy Bill, which goes with that, was, I think, read a third time last night—though whether it has been sent up to this House I am not aware. It is, however, the intention of my noble and learned Friend on the Woolsack to move the second reading of both these Bills at the same time, and he had intended to ask your Lordships to discuss them on Thursday next; but we have been informed that it would be more convenient to noble Lords on the other side of the House that these Bills should be taken at an earlier period, and therefore he proposes to move the second reading of the Employers and Workmen Bill and the Conspiracy Bill on Monday next, with the hope that it will be convenient to go into Committee on both Bills on Tuesday or Thursday in next week, if that should suit the convenience of the House. I do not know of any other measures with which Her Majesty's Government have to deal in this House to which I need further allude. I do not know whether this will be regarded by my noble Friend as a satisfactory answer; but if he wishes for further details and will indicate in what direction his views are, I shall be most happy to give the subject my best attention.

**EARL GRANVILLE:** Does Her Majesty's Government intend to pass all their Bills with the exception of the Merchant Shipping Bill, which they have announced it to be their intention to abandon?

THE DUKE OF RICHMOND: I believe that if my noble Friend will at the end of the Session refer to the Bills passed in the Sessions of 1874 and 1875, he will, with his usual candour, admit that they are equal, if not greater, in importance than the Bills passed in 1872 and 1873 by the Government of which he was so distinguished a Member. We need not go into such a comparison now; but Her Majesty's Government will this year have passed a number of most important measures. No doubt, the Merchant Shipping Bill has been withdrawn; but at this moment I cannot call to mind any other Bill of an important character which has been or is likely to be abandoned.

#### AGRICULTURAL CHILDREN ACT.

##### ADDRESS FOR COPY OF CORRESPONDENCE.

EARL DE LA WARR, on rising to move an Address for Papers relative to the operation of the Agricultural Children Act, said, that that statute was passed in 1873, its object being as stated to regulate the employment of children in agriculture. At the commencement of the present year the Act came nominally into operation: since that time, however, it appeared to have become almost inoperative, partly from the want of machinery to put it in force, and partly from the fact that there was no very general feeling in the country that such an Act was required. Agricultural schools were everywhere increasing in number and efficiency, and it was becoming the exception in agricultural districts to find a child who was not receiving a fair amount of elementary instruction. That would, perhaps, in some measure explain why the Act had hitherto been almost a dead letter. But there was, he believed, another reason. A strong feeling existed against legislative interference to such an extent as was authorized by this Act with the private and domestic arrangements of families—especially when it was applied to a single class. It was the agricultural labourer only who was subjected to the penalties of the Act; while another class—the small occupiers of land, who were not much removed from the labouring class, might employ their own children of any age in the cultivation of their own land without incurring the penalties of the Act. It had recently been stated,

by one of the London journals, that Justices of Quarter Sessions, acting in accordance with instructions from Her Majesty's Government, had directed the police to enforce the provisions of that Act. Now, if that were the course which Her Majesty's Government proposed to sanction with regard to the enforcing of that Act, it was open to very grave objections. The penalties of the Act were aimed at one class only; but he much doubted whether their Lordships would be prepared to say that a police constable should have the power of entering the house of anyone to ascertain how his children were being educated for the purpose of bringing him, if necessary, before a Bench of Magistrates. It was a power which was not granted to the police except in the case of suspected criminals, and he could not see why the agricultural labourer should be made an exception to other classes and subjected to this interference with the privacy of his family. If the Act was to be enforced—which he could not but regard as objectionable in principle, and inconvenient in practice as interfering with agricultural labour—it should be done, he ventured to suggest, in some other way than through the county police; and he trusted that Her Majesty's Government would give some assurance that would allay the apprehensions which were felt with regard to the future operation of this Act.

*Moved*, "That an humble Address be presented to Her Majesty for, Copy of Correspondence between the Home Office and Justices of Quarter Sessions relative to the operation of the Agricultural Children Act; also for copies of Instructions issued to the Police of different counties with regard to enforcing the said Act."

*Address agreed to.*

#### ARMY—COMPETITIVE EXAMINATIONS.

##### QUESTION. OBSERVATIONS.

THE EARL OF HARROWBY asked the Under Secretary for War, Whether it is intended to make success in a competitive examination, among other English works, in Chaucer's *Canterbury Tales*, a necessary introduction to the military service of Her Majesty as Cavalry and Infantry officers; and whether the provisions for such examination are under the sanction of the Commander-in-Chief or the Secretary for War? As

we all knew, competition prevailed in almost every branch of public life except the highest—we had not yet come to the period when Ministers of State were appointed because of the number of "marks" achieved by them or when they were complimented by the House of Commons because of the success which they had gained in their examination—that was a point which we had not yet reached. But meanwhile he thought their Lordships would agree that it was only proper that in those cases in which examinations prevailed those examinations should be conducted with a view to the objects to be obtained by them. He quite agreed that military students should be examined as to their general knowledge of English literature and the English language; but even in Prussia and France, where these matters were carried to extremes, he was not aware that Prussian military students were subject to examination in the ancient German language, or that young French officers were examined as to their proficiency in ancient French literature. He put this Question because on looking over the list of subjects for examination on entrance into the Army he found that Chaucer was one of the authors with whose writings candidates were required to be acquainted. He should have thought that an acquaintance with the *Chronicles* of Froissart would have been more consonant with a military education; but however that might be, he felt sure that their Lordships would agree with him that the compulsory study of Chaucer savoured more of the pedantry of the Professor than the wise conclusion of the practical man. He was aware that neither English literature nor Chaucer was in terms compulsory; but rivalry in competition practically made it so. He wanted to know whether this scheme of examination was proposed by the Civil Service Examiners; and, if so, whether it had received the sanction of the military authorities? If the former was the case, it seemed strange to him that the Examiners should have been allowed to frame such a scheme; and if the latter, he would think it still more strange that so important a part of the education of young officers for the Army should have received the sanction of the authorities who were responsible for the efficiency of officers admitted to the service.

EARL CADOGAN said, the question of the noble Earl was based upon two erroneous assumptions, the first of which was that candidates for admission to the Army were bound to pass an examination in English Literature, and the second that Chaucer was always included among the authors presented for examination. Neither of these assumptions was correct. The fact was that English Literature was one of nine subjects from which the candidates might select four, and that Chaucer was only incidentally included among the authors in reference to whose works students might be examined. No student, however, who took up the subject of English Literature was bound to study any particular one of the authors named. In reply to his noble Friend's Question he had to say that the subjects for examination were chosen by the Civil Service Commissioners and then submitted for publication to the Director General of Military Education. The Secretary of State for War had power of veto in case he did not approve the curriculum chosen by the Commissioners. He was not, however, aware that upon any occasion the authorities at the War Office had altered or dissented from the selection that had been made by the Civil Service Commissioners.

LORD WAVENEY said, he had paid particular attention to these examinations, and had observed that, as a rule, the subjects had been well selected and the results satisfactory; but he had been surprised to observe that one passage of Chaucer, in which there was a very fine military description, had been omitted from the selections for examination.

EARL STANHOPE thought the noble Earl (the Earl of Harrowby) had done good service by raising this question. He conceived very few authors were less suited to advance military education than Chaucer. In order to understand Chaucer it was necessary to pass through a preliminary study of old English and to acquire a knowledge of a vast number of archaic words which had long passed out of general use and were only preserved by the laborious students of early English literature. If these words were introduced into modern speech the person using them would be exposed to ridicule. He viewed with great regret the introduction of such authors into a system of military examination; and,



further, he would go the length of stating his opinion that if the person devising such a course had desired to bring into contempt the whole system of military examinations he could hardly have hit upon a better method. He was therefore sorry to find the noble Earl the Under Secretary of State for War opposing the view of the noble Earl who had brought the question forward, and stating that the subjects for examination were submitted to and approved by the Secretary of State for War.

EARL CADOGAN, in explanation, said, the subjects for examination were selected by the Civil Service Commissioners, but they were forwarded to the Director General of Military Education for publication, and they were subject to the approval of the Secretary of State.

THE DUKE OF CAMBRIDGE said, he understood that the Civil Service Commissioners, having chosen the subjects for examination, handed them to the Director General of Military Education, not for supervision, but merely that he might transmit them to the Secretary of State.

EARL STANHOPE thought the system referred to by the illustrious Duke ought not to remain in force; but that a plan more suited to the future career of candidates for the profession of arms ought to be adopted.

VISCOUNT CARDWELL said, it seemed to be assumed that the object in view in these examinations was military education; but the fact was that that was not the purpose immediately in view. Some years ago the state of general education in the Army was so unsatisfactory that a Royal Commission was appointed with a view to its improvement, and their recommendation was that officers should enter the Army at an early age with a good English education. There was one object which the Commissioners had particularly in view. They noticed that a very small portion of young men who enter the Army were drawn from public schools; but they learnt from commanding officers that the best officers were those who had been drawn from our public schools, and, therefore, they said in effect—"Let us have a system by which we may secure for the Army youths with the best civil education which the country affords, and let us give them, afterwards, the best mili-

*Earl Stanhope*

tary education which we can provide." It was in strict conformity with the recommendations of the Royal Commissioners that the Civil Service Commissioners had endeavoured to proceed. It was in deference to the opinion of the Royal Commissioners that the examinations were given over to the Civil Service Commissioners. While the present system had been in operation the War Office, he believed, had never interfered with the choice of the Civil Service Commissioners; and the Civil Service Commissioners, on their part, had scrupulously endeavoured to ascertain and act in accordance with the wishes of the illustrious Duke (the Duke of Cambridge) and the Secretary of State for War. The question, therefore, was not whether the study of Chaucer or any other author formed a desirable part of a military education—for the military education was to come afterwards—but whether it ought to enter into the education of an English gentleman. In this matter the object of the Civil Service Commissioners, as of the Royal Commissioners, had been, not to tell the managers of public schools what they ought to teach, but to follow the course of study they had adopted, as the one calculated to make the best officers for the Army. He confessed he had been much surprised in the course of the discussion to hear men of the greatest literary attainments speak of Chaucer as if he were not a proper subject for study. Chaucer was pronounced by Hallam to be "the greatest poet of the Middle Ages beyond comparison," and he should have thought that, in trying to find out the best pupils of the English public schools, it was not an unnatural thing to select Chaucer's works as a subject of examination.

THE DUKE OF CAMBRIDGE also desired to point out that the examinations in question were not military examinations, but were designed solely with the view of securing officers of good general education for the Army. They were, in fact, public school examinations, and were intended to get young men from the public schools to enter the Service. The Civil Service Commissioners had been intrusted with these examinations, and, so far as he was aware, the authorities of the War Office, whether civil or military, had in no way interfered in the matter. The question

which had been raised was therefore one for the Civil Service Commissioners alone to deal with. It was not until the young men had passed the examination in question that it became the duty of the authorities at the War Office to deal with their military education.

LORD HAMPTON was understood to express his entire concurrence with the noble Earl (the Earl of Harrowby), and to say that, in his opinion, the present system of examination for introduction to the Army was very far from satisfactory.

EARL GREY thought the most crying evil of the present system of competitive examination was that it fostered "cramming." That being so, to fix upon Chaucer as a subject by an acquaintance with which a good many marks might be obtained by young men, appeared to him to be a course the tendency of which would be to increase that evil.

After a few words from EARL FOR-  
TESCUE,

EARL GRANVILLE said, that not one word of English was taught at the public school at which he was. Whether that was a creditable state of things he did not know; but there was now a modern side to most public schools, and he should be very much surprised if in any course of English literature the study of Chaucer should be entirely omitted. The noble Earl opposite (Earl Cadogan), who spoke with great authority on such a subject, said it would be a disadvantage for a young man to study Chaucer, inasmuch as it might introduce the use of obsolete words into his ordinary conversation; but that argument would, in his opinion, apply equally to the study of Latin.

LORD LAWRENCE was understood to say it was most desirable that young men should receive a good general education, for by that means they acquired a knowledge of a great variety of subjects.

#### FIRST COMMISSIONS IN THE ARMY. RESOLUTION.

LORD STRATHNAIRN: My Lords, I feel persuaded that I do not misrepresent your sentiments when I say that the system of education which qualifies candidates for first appointments—that is, to command your soldiers, especially to lead them in war—is a State interest of vital—the greatest—importance; and

I am equally certain that your Lordships will consider entitled to discussion and inquiry the general and serious complaints that the present educational system—of which competition is a principal feature—is based on great anomalies and erroneous principles, which endanger the efficient officering of the Army; because, my Lords, that system is a course of wholly civil and literary instruction—a preparation for civil and literary, not military distinction, or a military career—competition awarding the military prize, an officer's commission, to civil and literary, not to military proficiency. And, in justice to this important question, I should submit to your Lordships' special attention that a considerable portion of this education—poetry and plays—is absurd and demoralizing as instruction, as will be apparent to your Lordships, from the following quotation from the Prologue to the *Canterbury Tales*:—

"He was a gentil harlot and a kind,  
A better felaw shulde a man not find,  
He wolde suffer, for a quart of wine,  
A good felaw to have his concubine.  
A twelve month, and excuse him at the full

In danger hadde he at his owen gise  
The younge girles of the diocese."

What excuse can be given, my Lords, by the responsible authorities—if there be any responsibility—for giving to boys and youths such low and pernicious study in lieu of books like Napier's *Peninsular Campaigns*, a model of style and a source of valuable military instruction? And as regards discipline, my Lords, which instruction—Chaucer's looseness, Othello's excesses, or the Duke of Wellington's *Art of War*—would cause an officer to exhibit a good example to our troops, and exercise a proper control over them, when marching through an enemy's country or when storming a town with the inhabitants at their mercy. A Book of *Euclid*, history, and geography are taught, but without military adaptation. Candidates are occasionally examined on the operations of war. But as the Examiners are not instructed in war operations, and know nothing about them, the test must be a fallacious one. The greatest anomaly remains to be told. The training of candidates for first appointments in the Army is not of the competency or responsibility of the Commander-in-Chief of the Army—it is taken out of his

hands and placed in those of Civil Commissioners. Civil Commissioners select the subjects for examination and conduct the examination, and to Civil Commissioners are entrusted the arbitrary powers of the competitive system, unknown in any other State or Army, except the Chinese, of qualifying or disqualifying candidates for the service of their Sovereign and country—dangerous powers, because secret, as regards the award of marks to answering papers and not controlled or mitigated by any right of appeal or complaint, a right recognized in the most despotic countries—the right of subjects to complain. The rejection of a candidate entails the loss of his career and livelihood. Surely then, my Lords, complaints of unfair rejection should have a hearing?—such as, firstly, refusal to produce candidates' answering papers, which suggests an unfair award of marks; secondly, candidates seated on the back benches at examinations do not hear, on account of the numbers seated in front of them, the questions put by the Examiners, and consequently lose marks; thirdly, that the organic defects of the competitive system make a successful test a matter of chance. It is dependent on the relative proportion of candidates and vacancies. Lastly, my Lords, parents of candidates complain that the literature on which I have commented is opposed to the principles which they have inculcated in them from childhood. Their earnest wish is that their sons should receive a proper education, which would fit them for the Army and all its duties, as well as for educated society. But they complain that the study of sciences, from chemistry to magnetism, added to other subjects, is too great a strain on their mental and physical powers, and deprives them of rest and exercise, and brings on illness. This rigorous and ill-devised education has caused nothing short of unhappiness throughout the country; and it is impossible to go to any gathering without seeing numerous young gentlemen of the best material for the Army—intelligent, with good manners—whose hopes are blighted, and who are thrown on the hands of relatives who have spent, sometimes, all they possess on an unsuccessful education. The powers of the competitive system afford a scope to bias, that innate imperfection characteristic of

our fallibility. There is the bias in favour of the War Office, who appointed the Civil Commissioners, and of their educational system. Secondly, there is the bias of literary men for the literary test; and for friends of relatives who come up for examination. Thirdly, there is the bias of the advocates of the policy of the change of the present class of officer, which is the necessary consequence of a wholly literary test. Justice in this country acknowledges bias as innate by the precautions which it has taken against its influence in the administration of the law, without imputing blame to those who entertain it—and I make this observation entirely in the same sense—such as challenges of jurors, mixed juries for foreigners. And in the Army a commanding officer cannot sit as President of a court-martial on one of his men, and an officer of the regiment of a candidate cannot be a member of a board examining him for promotion. As regards the desire to change the present class of officer, as it is called, the proofs of their intentions are unmistakable. A high functionary, in the company of a colleague, stated the intention, some time after the abolition of purchase, to do away with this class; and, about the same time, some not very prudent observations were made in official speeches in Parliament reflecting on these misnamed purchase officers which elicited comments from Members of your Lordships' House, of whom I was one. Recently a very painful sensation was created in your Lordships' House by speeches from two noble Lords on a point which affected most deeply, as understood by the House, the military feeling of numerous officers of two distinguished regiments. Dates and facts disprove one imputation, and an apology was made; and the other statement, which derived importance from being attributed to a Commander-in-Chief, dwindled into nothing when it transpired that the writer was an anonymous writer in a newspaper. Still, my Lords, these sentiments show the current of feeling against this class, particularly when coupled with two ominous omissions in recent educational regulations. The first is the omission of the Commander-in-Chief's authority over the system; the second is the omission of the word "gentleman" as a qualification for candidates, although it still has a place in the Articles of War

*Lord Strathnairn*



as a condition which, if forfeited, subjects an officer to cashiering. I venture to think that I have said enough to show that the present civil test for military candidates, whilst most objectionable in some essentials, does not impart to him any knowledge of his profession, and that it is, besides, unfavourable to discipline. It usurps the time and the powers of the mind which would teach the rudiments of the art of war, so simple and yet so important that the neglect of them has lost within the last few years Empires. How much greater would not be the disadvantage were regiments ordered abroad on a sudden emergency? Our system is not the Prussian system. They have their preparatory schools; they have no Shakspeares or Chaucers, but they combine instruction for the Army with that which is necessary for educated society. We should do well to follow their example in making athletic exercises, especially equestrian and running, tests for officers' examinations. To such an extent do they carry this out in Prussia, that a Cavalry officer is not allowed to join his regiment till he has received a certificate from a master of hounds that he can go across country. The combination of a military training with the instruction for educated society during the four or five years of youth the best suited to study, which I have mentioned, is easily accomplished. What public opinion complains of is, that the eccentric and degraded literature on which I have commented takes the place of the very valuable first principles of war, such as judicious skirmishing, the system of outposts and vedettes, ambuscades, knowledge of ground, the first step towards geographical strategy, turning a flank and defending it, and other simple movements, with a strategical object. And I think, my Lords, when you have heard that extract from *Othello*, as given to candidates as a test of entrance for the Army at this present July examination, you will agree that the substitution of this important but easy military instruction for the really abominable literature I shall quote would be a desirable change. The back shelves of any library would be too good for it—it sins against all good government, civilization, and morality:—

“OTHELLO.—Act I., Scene I.

“*Iago*. Zounds, sir, you are robb'd; for shame, put on your gown;

Your heart is burst, you have lost half your soul; Even now, very now, an old black ram Is tupping your white ewe. Arise, arise; Awake the snorting citizens with the bell, Or else the devil will make a grandsire of you. Arise, I say.”

“*Iago*. Zounds, sir, you are one of those, that will not serve God, if the Devil bid you. Because we come to do you service, you think we are ruffians: You'll have your daughter covered with a Barbary horse; you'll have your nephews neigh to you; you'll have coursers for cousins and gennets for germans.

“*Brab*. What profane wretch art thou?

“*Iago*. I am one, sir, that comes to tell you, your daughter and the Moor are now making the beast with two backs.”

*Moved to resolve*, That in the opinion of this House an inquiry ought to be instituted into the working and efficiency of the existing system under which candidates for first commissions in the Army are selected and appointed, with the view of ascertaining whether that system is calculated to insure the admission to the Army of those best qualified for the discharge of military duties.—(*The Lord Strathnairn*.)

LORD WALSINGHAM said, that although it was contended that the present examinations were not military examinations, yet he felt it was good that officers should be instructed in subjects which did not bear directly on their profession. Referring to the examination in Experimental and Natural Science up to May, 1873, the number of marks awarded for them was in fair proportion to the possible maximum, and many candidates chose to be examined in them; but in May, 1873, the Examiners seemed to have come down in one fell swoop upon the Science papers, and out of 93 candidates taking them up 72 got no marks at all, while 18 scored only 1,356 among them, or less than any one might have obtained. From that time the number of marks awarded continued proportionately low, and the candidates in Science sensibly diminished. He would not trouble the House with figures, but they went to prove that no candidates were allowed to obtain any appreciable number of marks, and that the Science examination was really almost annihilated. To show that it was not from any falling-off in the proficiency of the scholars, he would mention that in 1872 one gentleman obtained nearly 500 out of a maximum of 1,000, while the same candidate, in May, 1873, obtained only 60 out of a maximum of 2,000, although he had been reading

diligently in the interval, and really knew far more than before. Apart from the obvious advantage and interest which attached to such subjects as electricity, magnetism, chemistry, physical geography and geology, they were subjects which were important both for Sandhurst and Woolwich after these examinations were over, and it was to be regretted that by the system pursued with regard to them, candidates were now almost entirely prevented from taking them up. He was told that whereas in other subjects certain text-books were generally accepted, the whole range of literature and science was open to the scientific Examiners, and the result was scarcely fair to the candidates; indeed, questions were asked in the papers on electricity, for instance, about terms of which the exact meaning had never been precisely defined, and on which the highest authorities differed. He did not know what might have been done in the examinations for direct commissions just concluded, but as the same electricity paper had been set which was set for the much more severe examination of candidates for Woolwich, it was evident that there was a disposition on the part of the Examiners to prevent a reasonable and fair approach to the maximum of marks apportioned to these papers. He would be very glad to hear any assurance from the Government that fair proficiency in these scientific subjects would be more generously and liberally dealt with than it had been since May, 1873. If not, he could not see the use of retaining them on the examination list with the attractive maximum of 2,000 marks.

THE EARL OF SHREWSBURY was understood to concur in much that had been said as to the desirability of abstaining, as far as possible, from insisting on students acquiring proficiency in useless subjects. In his opinion, much of the examination at present enforced was unnecessary, and in some respects it was simply a farce.

EARL CADOGAN said, the noble and gallant Lord who asked for an inquiry into the existing system of competitive examinations (Lord Strathnairn) had to some extent negatived his Motion by his speech—for he had so far prejudged the question as to render any inquiry wholly unnecessary. If he understood his speech aright, the noble and gallant

Lord objected altogether to the present system of competitive examinations, and appeared also to wish that the education to be required of candidates for direct commissions should be of a more technical character. Reference had been already made to the Report of the Commission appointed by the noble Lord behind him (Lord Hampton) to inquire into the training of candidates for admission into the Army. The Commissioners in their Report, published in August, 1869, recommended that the examinations at Sandhurst and Woolwich, as well as those for direct commissions—all of them on non-professional subjects—should be transferred to the Civil Service Commission. They also made recommendations as to the general character of the education to be required of candidates for admission into the Army. This brought him to the competitive examinations for first appointments, established in 1871. He thought he was entitled to say that the establishment of those examinations was a direct consequence of the abolition of the system of Purchase. The examinations were never intended as tests of military acquirements, and their general design could not be better described than it was in the Report just referred to. Personally he had no objection to saying he had no great predilection in favour of competitive examination for the Army. He thought many of the arguments used by the opponents of the system were, if not unanswerable, at least plausible. It appeared to be at least probable that a man whose youth had been spent in deep study, and who had earned for himself the name of "bookworm," would not necessarily be the best man to lead a forlorn hope or quell an Indian Mutiny. Many who might have proved valuable officers had been excluded from the Service by the system of competitive examinations. There was in these examinations a great element of luck. Sir John Burgoyne said that it was possible for a man to fail in an examination with one set of candidates and to come first with another. He could not agree, however, with some of the arguments that were adduced by the opponents of competitive examinations. With respect to the allegation that they encouraged cramming, he was much struck by the argument of a noble Friend of his opposite (the Earl of Camperdown), who, in in-

introducing the subject of examinations for the Navy the other evening, dealt with this subject. He agreed entirely with his noble Friend, that if we were to establish a uniform test examination for candidates, cramming would be much more facilitated than it was by the present system. With regard to the question of health and want of physique, he did not think it necessary that the examinations as at present constituted should cause injury to the health of any successful candidate. Even if a candidate for a commission did suffer in health from the excess of his labour, all candidates would be inspected by a medical man, and no officer would be allowed to proceed to examination unless he were certified by the Board to be free from bodily defects and ailments, and in all respects as to height and physical qualities fit for Her Majesty's service. He was sorry to find the noble and gallant Lord (Lord Strathnairn) was of opinion that the training of candidates for direct commissions should be technical. In that opinion the noble and gallant Lord was opposed by many persons quite as well qualified to form a correct judgment on the subject. If the noble and gallant Lord's arguments were carried to their legitimate conclusion, all examinations except simple test examinations must be abolished, and we should then be face to face with that bugbear of modern politics—patronage. The tendency of legislation of late years had been to diminish, if not to abolish, all patronage, whether public or private, and he could not help thinking that any Government would take a somewhat bold course which endeavoured to re-establish the system of patronage as an introduction to the Army unless it could be protected and guided by some safeguards which he confessed were at present unknown to him. He trusted he had said enough to justify Her Majesty's Government in arriving at the conclusion to resist the noble and gallant Lord's Motion for an inquiry.

THE MARQUESS OF LANSDOWNE said, that this was not the first occasion on which complaints had been made with reference to these examinations; but it appeared from the arguments of noble Lords that evening, that it was not the particular authors selected to whom objection was felt, but that the attacks were directed against the system

under which the examinations were conducted. But the system depended upon the Report of the Royal Commission, which was signed by the noble Earl who now presided over the Dominion of Canada (the Earl of Dufferin), a noble Lord holding a high office in the present Government, the present Governor General of India (Lord Northbrook), and five distinguished military Officers. The Commission examined the Field Marshal Commanding-in-Chief, 15 General Officers, and four Members of the Council of Military Education; and with such evidence before them they came almost unanimously to the decision which had been quoted. There were three cardinal points in the Report of the Commissioners of 1860 with regard to candidates for admission into the Army. One was that it was unreasonable to expect of a lad of 16 or 17 any wide professional attainments, but that it was reasonable to expect of him such a general degree of culture as an English gentleman ought to possess. The second point was that the best form of general culture was found in the education given at the great public schools; and the third was that the examination being non-professional, it might conveniently be committed to non-professional men. That position seemed to be almost unassailable. He understood open competition to mean this, that, the Army still being popular, for every commission Her Majesty was able to dispose of, two or three candidates were forthcoming, and the Civil Service Commissioners selected for such commission that candidate who they believed was most likely to serve with credit to his country, and submitted his name to the Commander-in-Chief. This was not a state of things, it might be supposed, of which friends of the Army could complain. Their Lordships had been told that open competition led to cramming; but cramming existed before these examinations, and was indeed an inevitable incident of every system of examination. As to "crammers," he might observe that there had been a long struggle between them and the Examiners, and he was happy to say that of late the crammers had had the worst of it. It was difficult to obtain exact information on the subject, but he had reason to believe that out of every 100 candidates who, during the last three years, had gone to Woolwich from seven of our public



schools, over 60 went direct from the schools themselves, and a minority only passed through the hands of crammers. Those figures had been supplied to him from a private source, but he believed they represented with a fair degree of accuracy the existing state of things. Their Lordships had been told that competitive examination not only failed to furnish the best men to the Service, but actually tended to the selection of those who were the least qualified. That heresy was quoted by his noble Friend on the front bench opposite. He (the Marquess of Lansdowne) believed that that was a most mischievous fallacy. He feared that young lads hearing such theories as had been propounded by men in the position of the noble Lords who had spoken that evening they would be disposed to say—"Let us throw our books on one side, and go in exclusively for cricket and rowing." On a matter of this kind a very little experience was worth a very great deal of theory, and he hoped the illustrious Duke on the cross-benches would not fail to say whether the candidates who had come into the Army under the system of open competition were worse in any respect than those who had been admitted under the system which preceded it.

LORD NAPIER AND ETTRICK said, he could have supported the Motion of his noble and gallant Friend with more satisfaction if it had been simply directed against the system of competitive examinations for first commissions in the Army, instead of being drawn in the modified form in which it appeared upon the Paper. He did not think much would be gained by an inquiry into the subject, because the Report would be that some good and some indifferent officers had been appointed under the system. As to those who were reputed good, nothing would be gained by the discovery, and as to the indifferent it would be invidious that some should be reported inferior to others. Competitive examinations were all very well in the case of Civil servants requiring special qualifications or of officers in the scientific branches of the Army or Navy, but they were not suited to the selection of officers to serve in the Infantry and Cavalry of the Line. The qualifications required for such officers were not such as were likely to be either created or tested by a competitive examination sys-

tem. The qualifications to which he referred were, in the first place, courage; in the second, physical health and strength, together with a passion for athletic exercises. These qualifications might be in part ascertained under a competitive system of examination; but they had never been adopted into that system. Moreover, officers should be possessed of the authority and respect which belonged to family connection and position, for there was nothing more respected in the Army than name and family position—they were the elements of solidity and order. In the fourth place officers of the British Army should be in the possession of private means, without which an officer could not maintain himself under the existing conditions of service in the Army—no one could keep his son in a decent and honourable position in the Army without allowing him about twice as much as he received from the State. These qualifications were not to be, as he had before remarked, either fostered or tested by means of a system of purely intellectual examination; and if it were necessary to strengthen speculative argument by experience, it might be mentioned that no such system of examination prevailed in any of what could be called the military nations of Europe. It was with regret that he felt himself bound to differ from many noble Lords who sat on his side of the House, and especially from the noble Viscount (Viscount Cardwell), who had taken a very conspicuous part in the military alterations of recent years. No one recognized the great service of the noble Viscount to the Army more than he did. By the abolition of purchase, the establishment of dépôt centres, and the introduction of practical and strategical exercises on a large scale the noble Lord had rendered great services to the country, the value of which would be recognized more and more as time rolled on. But he ventured to doubt whether he had taken the wisest course with reference to the system of examination. It was urged in favour of the present system that it obviated the obligations and responsibilities of patronage, but he believed that in all respects patronage was destined to be extinguished; and as for the contention that the system of nomination was objectionable, inasmuch as it put those who were anxious to obtain ap-

*The Marquess of Lansdowne*

pointments for their sons into the painful position of soliciting favours, he thought the inconvenience, such as it was, ought to be suffered for the general good. He believed, however, that no great inconvenience would be experienced by applicants so long as the patronage was vested in the present Commander-in-Chief, who belonged to the Royal Family, and who was thus placed far above the obligations of family connection. Under these circumstances, he hoped the Government would not lose sight of the question, and that at some future time they would see their way to the introduction of such changes in the system of competition as would give a more prominent place to physical and social qualities than was now the case.

THE EARL OF HARROWBY was understood to restate his objections to the adoption of Chaucer's works as a subject of examination. It was in no way in accordance with the recommendations of the Royal Commissioners. They recommended that in the preliminary examination such subjects were to be submitted to examination as came in the ordinary course of good public schools. Now, however attractive any public school might wish to show itself to English literature, he had never heard that anyone had introduced Chaucer into its course; and, if so, its introduction was at variance with the recommendations of the Royal Commissioners, and was forcing on the young men intending to enter military service a study totally useless to their future or any ordinary career. He had no objection to the study of Chaucer in itself.

LORD CARLINGFORD said, that if Shakespeare and other old English authors were to be tabooed because they sometimes appeared indelicate and coarse when judged by the modern standard, there would be very little of our best literature left. Under such a rule, the classics, such as Horace, Juvenal, &c., would, of course, go; and, indeed, he did not know how far the rule would not carry them, even to the highest of all literature.

THE MARQUESS OF BATH remarked that he himself and a good many noble Lords on his side of the House disapproved of the system of open competition, and he wished to know why they were called upon to vote against the Motion? He wanted to know

why there had been such an ominous silence on the part of the Government? This was a question on which he thought the Government ought to offer some explanation to the House whether the system of competition was to be maintained, or whether those were right who considered it objectionable. Was the system one that ought to be maintained, and would the Government state, if they were not now disposed to condemn it, whether they were making inquiries for the purpose of testing the soundness of their previous opinion on the subject?

LORD STRATHNAIRN denied that he had ever said or thought of saying, as attributed to him by his noble Friend (Earl Cadogan), that technical education ought to be the only education of officers; on the contrary, his opinion was that military training was not perfect unless it went hand in hand with the education of enlightened society; and precisely because he was opposed to an isolated education he disapproved so much of the wholly civil education as a test for officers of the Army. He had been equally misrepresented—he had no doubt involuntarily—as to what he said about equitation:—what he said was that the Prussian Army attached the greatest importance to good education for all classes of officers—for the Staff especially, and equally so for the Cavalry—and to such an extent that no officer was allowed to pass for the Cavalry unless furnished with a certificate by the two officers who kept packs of hounds at the Government expense for the express purpose of training officers that they could go across a country. The noble Lord who represented the War Office (Earl Cadogan) had spoken in terms of high eulogy of the sanatory state of the candidates at the July examinations; but he (Lord Strathnairn) had heard a very different account from good authority, that so many of the candidates had exhibited such symptoms of overwork and illness that the medical officer, of whose competency it was, had inspected them, and had found it necessary to direct them to leave off their studies. His noble Friend (the Marquess of Bath) had completely represented the state of feeling on his side of the House, and he agreed with him that if he (Lord Strathnairn) had brought forward his Motion two years ago he would have been supported by a large majority.

However, he (Lord Strathnairn) derived much satisfaction from the manner in which the representative of the War Office in their Lordships' House had spoken of the competitive system. He had said that he himself was not well disposed towards it; and as his opinions indicated the desire to make changes in the system, and as the feeling of some noble Lords was not to press the question to a division, he would conform to that opinion.

Motion (by leave of the House) *withdrawn*.

#### NATAL.

##### ADDRESS FOR CORRESPONDENCE.

LORD BLACHFORD moved an Address for the production of Correspondence relating to certain proposed alterations in the Constitution of Natal. He did so, because he had long thought that this small Colony was, from its liability to a serious native war, the most dangerous in Her Majesty's dominions, and because he was apprehensive lest the measures of Her Majesty's Government might diminish, instead of increasing, their power of dealing with that danger. Natal was occupied by 17,000 or 18,000 Europeans scattered among 250,000 Natives, submissive, no doubt, and grateful at present, but liable to become discontented, and in case of disturbance to be recruited or assisted by the inexhaustible tribes of Zulus and Kaffirs beyond our frontier. In New Zealand 50,000 Natives, cut off by the sea from all assistance, were pitted against almost an equal number of Europeans, and the result was before us. It could be hardly doubted that a serious African war might be far more disastrous to the colonists—more costly to this country and, what ought not to be left out of sight, would involve far greater slaughter of the Natives than that which we had lately brought to a close against the Maories. The form of government in Natal was most unfitted to meet such dangers. The administration was conducted by an Executive Council of which Government officials formed a large majority. Laws were made and money voted by a Legislative Council in which the Representative Members bore a majority of two to one. Let it be considered what would be the state of Ireland, if it were governed by an elective Legis-

*Lord Strathnairn*

lature representing a small minority of the inhabitants, while the administration consisted of permanent officials sent from England, proclaiming that they existed for the protection of the majority. Such a constitution would certainly not conduce to the peaceful transaction of business. Nor had it done so in Natal—which had long been about the most troublesome colony in the British Empire. It was the A B C of constitutional history that a representative Legislature, with the power of the purse, would persistently struggle for control over the Executive. This struggle had been for some time continuous in Natal. Nor was this to be complained of. It was the natural course of colonial development. And the differences had been almost uniformly on questions which, though important, were not dangerous—finance, public works, loans, the distribution of political power, and so on. But now a fresh element was brought into view. The case of Langalibalele, whatever its merits, served us with notice of two dangers—one the combination of Native tribes against our authority—the other, that is the face of such a combination the British authority might be weak or divided. He (Lord Blachford) was strongly of opinion, that in any colony where a powerful body of Natives existed, the Government should be one of two kinds. The conduct of native policy should be with that power which was responsible for the safety of the Colony. Either the Colony should conduct its own Native policy, and be left to take the consequences of conducting it badly—which meant the establishment of responsible government and ultimate withdrawal of troops, or the Home Government charging itself with the protection of the Colony, should have thorough control over the Native policy; which meant the presence of British soldiers and government by a Crown Council. For in what might be called the leading case of New Zealand, there was a general concurrence of opinion that the attempt to separate the Native policy from the general administration of the Colony was a failure which ought not to be repeated. These being the necessities of the case, what was now proposed. It was proposed to establish a somewhat cumbrous Legislature of about 30 persons, composed of elective Members and Government nominees—but so



constituted that the elective portion should have a bare majority. It must be remembered that Government nominees were not a Government party. If the office of nominee were to be respectable, the nominee must be allowed a large independence; and, if nominees were to be largely independent the Government might find, when they had to confront a popular feeling, that though they might pick up a few votes among the elective members, they would be almost equally likely to lose some among their own nominees. Such a condition of things, therefore, did not furnish a firm foundation for a steady Native policy; nor, therefore, such a guarantee for the peace of the colony as this country had a right to expect. But it might be said the proposed constitution was at any rate better than the existing one. Was that so? The existing constitution was most inconvenient; but it contained one valuable clause—a power of revocation, which, in the prospect, or on the actual occurrence of serious danger, Her Majesty's Government might use to sweep aside obstacles and assume all necessary powers. That was the point at which he had been driving. What he earnestly desired Her Majesty's Government to consider was this—whether their proper course was not boldly to use the power which they had in their hands, to establish that form of constitution which in their hearts they believed to be best for the Colony and the country; or failing that, whether it were right to abandon a power which in case of actual or anticipated danger, might be used to lift them beyond the reach of embarrassment, in order to obtain a mitigation of existing evils which, he could not but fear, would prove wholly delusive.

*Moved*, "That an humble Address be presented to Her Majesty for, Papers relative to the recent change in the Constitution of Natal."  
—(*The Lord Blackford*.)

**THE EARL OF CARNARVON:** My Lords, no one certainly has a better right to criticize the course which has been adopted in Natal, because no one can do it with fuller knowledge than my noble Friend opposite. He has watched all proceedings there for many years—proceedings which he admits to be full of difficulty in the ordinary administration and legislation of the Colony; and

no one should be better able to appreciate, than he does, the difficulty which not only the Home Government but which the Colony itself has to contend with in dealing with this subject. My Lords, it has been a very difficult question, and one which has taxed not only the ability of the singularly able administrator whom it has been our good fortune to have on the spot, but also the good feeling and the good sense of the Colony. And I desire thus early in my remarks to bear my testimony to the fair and, on the whole, dispassionate manner in which a question, raising, as it must have done, the gravest issues for the Natal Legislature, was discussed by that Assembly. My Lords, while I readily admit the weight of the criticism offered by my noble Friend, I entirely disagree from him in thinking that the change which has been made is either a small or a barren one. I believe, on the contrary, that it will bear fruit—I am sure that it will bear fruit if the measure which has now been passed receives at the hands of the Natal Legislature that fair consideration for which, to judge from the antecedents of the last few months, I am quite willing to give them credit. The original Constitution was one in which the Executive Power was lodged in the hands of a Governor appointed from this country and a permanent staff of Officers; while the Legislative power on the other hand was intrusted to an Assembly, not composed, as the noble Lord described it, of two elected Members to one nominated Member, but of three elected Members to one nominated Member—which made it more difficult to work. The Bill which has just been passed by the Natal Legislature reverses, it may be said, in most of its features that state of things. There have been eight Members added to the Council, all the eight being Government nominees. The total number will therefore be 28, or 15 elected and 13 nominees. Those new Members are required to have a real property qualification of the value of £1,000; they are to be on the voters' list for two years at least; and some other conditions are also laid down. Lastly, of the eight additional Members four are taken from the coast districts and four from the up-country districts, between which there has always existed a rivalry which I think their interests hardly bear out. That is the alteration

which has been effected, and I quite differ from my noble Friend when he says it is small. My noble Friend seems to think there can be but one or two modes of Government applicable to a colony under the conditions which exist at Natal—either total and complete freedom, such as is accorded by the grant of responsible Government; or, on the other hand, absolute and direct control from the Home Government in England. Now, my Lords, the Constitution of Natal lies somewhat between those two extremes, and I am not disposed to quarrel with it on that ground. I value as highly as any man responsible Government, and he is a dull man who has watched the progress for some years past of Canada and the Australian Colonies without appreciating the marvellous effects produced by responsible Government in a congenial soil and under fair conditions. But its success depends on the elements from which it is to be drawn, and on the means by which it is to be worked; and the conditions which exist in Natal render responsible Government there totally out of the question. For many years past there has been a growing conviction on the part of all authorities, not only in this country, but even on the spot, that the existing Constitution of Natal which is just passing away was not only highly unsuitable, but impracticable. In 1865 a memorial was sent by the Legislative Council praying for a change. In 1869 a Bill was actually passed for the reform of the Constitution. That Bill erred, I think, on the side of giving responsible Government to the Colony, and effect was not given to it. Two years later a memorial was addressed to the Secretary of State from the coast districts praying for an increase of representation. In the following year, I think, the noble Lord opposite (the Earl of Kimberley), then Secretary of State, used the powers to which the noble Lord (Lord Blachford) has referred for the purpose of reserving to the Government a much larger control over the finances of the Colony than it had before exercised. Lastly, in 1874—only a twelvemonth ago—another Bill was passed by the Legislative Council of Natal, which was still more in the direction of responsible Government, and which I found myself obliged to advise the Crown to disallow. All this shows, at least, that even the Colony itself was dissatisfied with its Constitution.

*The Earl of Carnarvon*

Well, what is the result? The Constitution has been tried and has undoubtedly failed. There have been repeated difficulties between the local Executive Government and the Legislature. There have been equally numerous difficulties between the Colony and the Home Government. I could quote passages from the despatches of my noble Friend opposite (the Earl of Kimberley), and those of his predecessor (Earl Granville), which point to the perfect hopelessness, in the existing state of things, of working that Constitution. At the present moment, no doubt, owing to the want of due administrative arrangements in the public offices, business of mere ordinary routine is to a great extent stopped. Moreover, I am satisfied that there has been a very large expenditure of public money on objects not always worthy of it; while, on the other hand, matters of vital consequence have been neglected; and in spite of the ability and conscientiousness of Mr. Shepstone, whose name is well known in this country, there has not in my opinion been that control over Native affairs which is required by the public interest. The result is that there has been a stagnation, so to speak, of many of the industrial interests of the Colony. There has been—as I think Sir Garnet Wolseley pointed out to the Legislature—that want of internal security which leads, in the long run, to a want also of external confidence—which hinders emigration and which prevents the real development of the Colony. Meanwhile, there have been in that Colony questions of the very highest moment to be settled. The question of emigration is one of the greatest complexity. There is also the question of public works—such as those connected with roads, with the harbours of Natal, and with the railway, which, above all things, is required there. There has been, moreover, a force of 30,000 armed Natives resting like thunder clouds upon the frontier of the Colony. I must say it seems to me impossible that those questions can be satisfactorily or safely dealt with if you have not a strong Government in the Colony itself. My Lords, that strong Government you have not had. In a great measure this is owing to the fact that, in the Legislature at least, the Government has always been in a minority and has been obliged to conciliate here and conciliate there in

order, if possible, to satisfy contending parties. Not only has the Colony been often in danger, but that Native element, which I agree with my noble Friend in regarding as an element of great insecurity, is keen-sighted enough to perceive the weakness of the Government and has sometimes taken advantage of it. Under these circumstances, I felt that the time had come when the change could no longer be delayed. Now the question is, whether that change has been wise or not? My noble Friend (Lord Blachford) pointed, as I understood him, to two alternatives — one, complete Responsible Government, and the other a strict form of Crown Government. I think I have shown the House that responsible Government is not suited to the present condition of Natal. As to the other alternative, I will not say that a strict form of Crown Government would not work well, but I think it is prudent statesmanship never to insist upon more than is absolutely necessary — especially when the freedom of Englishmen is concerned. I would rather go upon the principle of trust than upon the principle of rigid restriction. The Colony has had its difficulties. The Legislature, like all other Legislatures, may occasionally not have been wise. But within the last few months it has consented to a change which must have been repugnant to the feelings of many of its Members, and I think we shall be right in trying first the principle of trust. My noble Friend talks of it as a very cumbrous machinery which is being set up. I cannot see that it is so cumbrous as he seems to think it. I believe that the Legislature will be very evenly balanced, and that with proper management it ought to work well. At all events, this is a compromise which on the one hand strengthens the Executive, while it does not take away the representative institutions which exist. If, unfortunately, it should be found, after all, that the Legislature is incapable of dealing with the questions which will come before it, then, and then only, will be the time to tighten the knot and to take greater powers than are now exercised. In the first instance, however, I would rather accept the spontaneous and free gift of the Colony than impose, in an uncompromising and, perhaps, ungracious spirit, fetters which I do not think are deserved. It may be satisfac-

tory to the House to know that the result already achieved is considerable. I may mention here — what your Lordships have, perhaps, been made aware of by the public prints — that the Cape Government has acceded to the release of the Kaffir Chief Langalibalele. By this time I trust he has left Robben Island and gone to the place assigned to him for his future residence, where his family will have a reasonable amount of access to him, at the same time that all due precautions are taken with a view to the safety of the Colony. At the time when this subject was under discussion in your Lordships' House there were gloomy anticipations as to what the Cape Government would do. I ventured to say on that occasion that the Cape Government on a re-consideration of the matter would feel that there was nothing very exacting in the request addressed to them, and that they would meet us in the spirit in which we endeavoured to approach them. That confidence has been justified, for they have done all I thought they would do. The tribes have been allowed to go back to their own parts of the Colony; but it has been provided — and I think wisely — that the locations should be small and, as far as possible, separate one from the other. One tribe, which was broken up on a mere suspicion, for which it appears there was no good foundation, has been restored to its position, and the sum of £20,000 has been very judiciously laid out by Sir Garnet Wolseley in cattle, stock, agricultural implements, &c., which were to be given to the tribe by way of compensation. Farms have been assigned to White settlers between some of the Native locations; and in other respects steps have been taken to carry out the policy which was sketched in the despatch laid before your Lordships two or three months ago. That policy is one which, no doubt, raises many very grave questions. It is one which must be carried out with extreme caution. I have great confidence, however, in those to whose hands the execution of it has been intrusted. It may be that the security of the Colony will have to be provided for still further in a military point of view while this policy is in progress; but that is a matter which requires consideration. I am satisfied, however, from the reports I have received as to the progress of affairs, that though much has



not been actually accomplished much has been commenced, and the way has been paved for still more. I cannot conclude without expressing my acknowledgments and the acknowledgments of Her Majesty's Government to the very eminent Officer who at a few hours' notice undertook the singularly difficult task which was intrusted to him. Sir Garnet Wolseley has given evidence of the highest military capacity, and all I would now say is that he has shown in the administration of civil affairs in the midst of very great difficulties an amount of ability, tact, and prudence which are equal to the military qualities he has displayed on other fields. My Lords, I have confidence also in his successor. Sir Henry Bulwer comes of a family whose name is illustrious in this country—of a family that has done great and good service. I entertain the hope that in the new sphere of action to which he has been transferred he will maintain the traditions of his race and name. In conclusion, I will only venture to say this much, and I shall be glad if my words go to Natal—I would earnestly entreat those who have taken part in these transactions, whatever their views may be—whether it be the Bishop of Natal, whether it be others who have taken a leading part by influence, by word, or by action—I would entreat them to allow the past now to be forgotten and to address themselves to the future. I would entreat them to bury the past discords which have agitated the society of Natal, to allow the sleeping lions of future controversy to slumber for awhile, and to give a fair, a friendly, and a loyal support to that Constitution which they have discussed freely, and which now is in existence.

LORD CARLINGFORD thought that the noble Earl the Secretary for the Colonies implied—and, if so, he was not able to agree with him—that there was no choice between a Constitution in which the popular element should be dominant and the reduction of Natal to the position of a Crown Colony—namely, a Colony governed by a purely nominee Legislature. Surely this was not the only choice? He regretted that when the noble Earl made this change in the constitution of the Colony he did not go a step further and place the nominated members in the majority. The noble Earl hardly did justice to the main reason

which rendered a popular form of Government inapplicable to a so-called Colony like Natal, where a certain number of European settlers were surrounded by a much larger proportion of uncivilized men, who could never be represented in a Legislature, and who presented a constant danger to the safety and stability of the Colony—a danger which made it always necessary for the colonists to look to the Home Government for their protection. This being the case, surely it was necessary that the Home Government should be able to control the local affairs and legislation of the Colony. The noble Earl had stated that that would be practically the effect of the change, and in most cases it probably would; but would it not have been better if the noble Earl had fully and frankly informed the colonists that the Government must secure the power of controlling the colonial policy. He believed the moral influence of a popularly elected body in the Council, although in a minority, would have been very great in all purely domestic matters. When, however, it came to questions of Native policy, in which colonial interests and feelings were often so strongly felt and so hotly excited, he was not so sure of Government being able to carry its points; and when the balance was very close it would give an awkward degree of power to one or two members of that small elected majority, who would be able either to support or overthrow the policy of the Government. If the noble Earl had gone a step further, he would have put the Home Government in a much safer position than it would now occupy, both in regard to the protection of the Native people and the assertion of its own rights and duties.

THE EARL OF KIMBERLEY said, he could not entirely agree with his noble Friend behind him (Lord Blackford). No doubt it was a plausible thing to say that in the Colony of Natal it was desirable for the Government to have the power it possessed in a Crown Colony. He agreed that we could not establish a responsible Government in such a Colony as Natal; but what he wished to point out was that, although there was something neat, as it were, in the dilemma—"Either have a responsible Government or a simple Crown Colony," yet he thought the course taken by his noble Friend oppo-

site was the wisest under the circumstances. Here was a Colony which for some time had enjoyed a very considerable measure of self-government: moreover, it was placed near other Colonies which enjoyed free institutions; and, on the whole, he thought his noble Friend had done wisely in being content with what he had attained. The willingness with which the colonists had accepted the advice of the Home Government showed their great good sense and self-control. With the liberty allowed to them by the new Constitution, it might be possible to establish a strong Government, and ultimately to pave the way to the full measure of self-government, so as to relieve the Home Government from the heavy responsibility which for a time must attach to it in respect of this Colony.

LORD BLACHFORD asked whether the noble Earl would produce the Papers?

THE EARL OF CARNARVON replied that he would produce extracts from them after he had looked them through.

*Address agreed to.*

#### ENTAIL AMENDMENT (SCOTLAND)

BILL.—(No. 214.)

(*The Lord Chancellor.*)

#### SECOND READING.

Order of the Day for the Second Reading, read.

THE LORD CHANCELLOR, in moving that the Bill be now read the second time, said, that it had come from the other House, and so anxious were Members of the other House that it should become law this year, that, although they would have desired to make alterations in it, they declined to propose any alterations in order that it might pass through as rapidly as possible. The Bill had been approved by the three great bodies representing the legal opinion of the metropolis of Scotland—the Faculty of Advocates, the Writers to the Signet, and the Society of Solicitors to the Court of Session, and by the two which expressed the legal opinion of the provinces—the Faculty of Procurators in Glasgow and the Society of Advocates in Aberdeen. The reason that had induced the Government to introduce the measure was that the restrictions under the Scotch Entail Act of 1685 had be-

come so rife and so great that, as Lord Rutherford had said, a nobleman could not alter the inscription on a button worn by his livery servant. That state of things was to some extent remedied by the Rutherford Act of 1848, and it was not proposed by the present Bill to affect or alter the Law of Entails in Scotland, which were analogous to English entails with one exception. In England, as their Lordships knew, the tenant for life and the tenant in tail in remainder might, since 1848, by consent with each other break the entail, and the tenant in tail might do that as soon as he reached 21 years of age. In Scotland a tenant in tail could not give his consent until the age of 25. He supposed that the Scotch character was so incautious upon the subject of money or property that a greater amount of protection was required to be thrown around a young gentleman in Scotland than was required to be thrown around a young gentleman of similar position in England. Her Majesty's Government had arrived at the conclusion that, whatever might have been the state of the Scotch character in 1848, the time had arrived with the gradual progress of enlightenment in that nation that a Scotchman who had attained 21 years should be allowed, as in England, to take part in disentailing an estate. It was strongly expected that the Rutherford Act, which was passed in 1848, would by this time have extinguished all the perpetuities which had existed under the old Scotch Law of Entail, and that had to a great extent happened—a great many Scotch entails had been opened since 1848. But nevertheless, the Rutherford Act had not opened entails to the extent that was anticipated. It imposed several conditions with regard to the opening of entails which had practically prevented the opening of entails. Among other things, it provided that if there was only one heir in existence, he might himself disentail property whether he was born before or after 1848, provided he was unmarried. If he was unmarried, though he had no children, he could not do so. As he had said, a considerable number of estates had been disentailed, but a large number still remained, and the result was that they created destinations so remote that the relatives could hardly be traced, and the remaindermen could hardly be found, and were sometimes

not known by sight to the owner, the consequence being that it was next to impossible in the first place to trace them, and when traced they would not give their consent except on payment of an extortionate sum. It was proposed to provide by this Bill that in all cases the consent of the nearest heir was to be required before an entail could be barred, and that in the case of remoter heirs the Court should have power to fix a value upon their expectancy, and to take steps for having the amount paid over to them before an entail could be barred. It was also proposed to enable married heirs who had no issue to disentail, and to extend the limit at present existing with regard to the kind of improvements the making of which could be made chargeable upon estates, as also the mode in which those charges might be levied upon the properties. These were briefly the main provisions of the measure which he asked their Lordships to read the second time.

*Moved, "That the Bill be now read 2<sup>a</sup>."*  
—(*The Lord Chancellor.*)

THE EARL OF CAMPERDOWN said, that he did not rise to oppose the Bill, but thought that it would require very careful consideration, because it had not passed through any ordeal of examination in the House of Commons. With regard to the change of the ages, he thought that it was extremely doubtful whether it would not be better to retain the age of 25, except for one reason—namely, that it seemed very invidious that in Scotland a young man should be considered to be of age at 21 for every other purpose but this. The 9th clause enabled an heir of entail to make a perpetual charge for improvements, and the objection felt was that the improvements would wear out and require renewal, and therefore there ought not to be a permanent charge made for them; and he complained that this proposal was even contrary to the principle of the Scotch Agricultural Holdings Bill. The true principle was to make a charge for 20 years, and there was nothing to oppose to that but the present custom. It might happen under this Bill that for improvements executed 50 years before the whole of the cost might be imposed upon the heirs. He thought that most unjust, and complained that

*The Lord Chancellor*

the Bill enabled the life-tenant to charge his posterity with the full value of all the improvements he had made during his life. If other noble Lords did not put Amendments on the Paper, he should do so in Committee, where he hoped the clauses would be fully discussed.

THE DUKE OF BUCCLEUCH said, that the Bill had slipped through the other House without discussion. It might be described as a Bill to enable half-a-dozen noblemen in the North of Scotland to relieve themselves of their difficulties at the expense of all the rest. He objected to the measure because it gave greater facilities to cutting off entails; and that the age of 21 was substituted for 25, for the obvious reason that a young man, for the sake of an increased allowance, and to relieve an embarrassed father, would more readily consent to cutting off an entail than if he had arrived at a more mature age. What he termed the burthening clauses would require the most careful consideration. There was no doubt that some cases existed which justified the introduction of the measure; but it would have to be most carefully examined in Committee.

THE MARQUESS OF LOTHIAN approved of the Bill generally, but should be sorry to see it passed without some of the safeguards referred to by the noble Lords who had spoken. He thought the provisions with reference to charging improvements were much too wide.

THE EARL OF ROSEBERRY said, he looked upon the Bill as a step towards the practical amendment of the Law of Entail in Scotland. He was gratified that Her Majesty's Government had undertaken to introduce it.

THE LORD CHANCELLOR pointed out that the reason why it had gone through the House of Commons without discussion was the great unanimity with which it was supported by the Scotch Members, who did not wish to imperil its passing by debating its provisions. The real aim of the Bill was to carry out further the principle of the Act of 1848, and not to put an end to entails in Scotland.

*Motion agreed to; Bill read 2<sup>a</sup> accordingly, and committed to a Committee of the Whole House on Tuesday next.*



DEPARTMENT OF SCIENCE AND ART  
BILL [H.L.]

A Bill for making further provision respecting the Department of Science and Art—Was presented by The LORD CHANCELLOR; read 1<sup>st</sup>. (No. 221.)

FOREIGN JURISDICTION BILL [H.L.]

A Bill for amending the Foreign Jurisdiction Acts—Was presented by The LORD CHANCELLOR; read 1<sup>st</sup>. (No. 224.)

House adjourned at Ten o'clock,  
to Monday next,  
Eleven o'clock.

HOUSE OF COMMONS,

Friday, 23rd July, 1875.

MINUTES.]—SELECT COMMITTEE—Report—  
Police Superannuation Funds [No. 352].

PUBLIC BILLS—Second Reading—Legal Practitioners \* [46].

Committee—Agricultural Holdings (England) (re-comm.) [222]—R.P.

Considered as amended—Lunatic Asylums (Ireland) \* [189]; Public Records (Ireland) Act, 1867, Amendment \* [233]; Contagious Diseases (Animals) Act, 1869, Amendment \* [250].

Third Reading—Canada Copyright \* [246]; Salmon Fishery Act Provisional Order (Taw and Torridge) \* [247], and passed.

Withdrawn—Sheriff Courts (Scotland) (No. 2) \* [135]; Clerk of the Peace (County Palatine of Lancaster) \* [257].

The House met at Two of the clock.

ARMY—ARTILLERY—HEAVY GUNS.  
QUESTION.

CAPTAIN PRICE asked the Surveyor General of Ordnance, Whether it is yet decided on what system the 81-ton gun now being made is to be rifled, and what nature of projectile is to be used; and, whether it is the case, that no 35-ton gun has fired 100 rounds of battering charges without requiring repairs; and, if so, whether he would recommend the First Lord of the Admiralty to order some such practical test as would represent the work these guns might be called upon to perform in war time at a distance from the arsenal, to be carried out on board one of Her Majesty's ships, in order that the endurance of these guns may be tried under conditions such as they are intended to meet, before constructing very much larger guns on the

same principle, and placing them afloat, as is intended in the "Inflexible," at a cost of half a million sterling?

LORD EUSTACE CECIL, in reply, said, the system on which the 81-ton gun was to be rifled and the nature of the projectile had already been decided upon. The 35-ton gun had fired over 100 rounds without any repair being apparently required, although, in one instance, the gun had to be re-vented. The Secretary of State for War was quite satisfied with the practical test which the heavy guns had undergone and were undergoing; and there seemed to be no reason for recommending any special test of the nature mentioned in the hon. and gallant Members Question.

ARMY—MILITARY PRISONERS—CASE  
OF GUNNER CHARLTON.—QUESTION.

SIR EDWARD WATKIN asked the Secretary of State for War, If he is now prepared to state the facts of the case of Gunner Charlton, now lying at Topsham Barracks, Exeter, with mortified feet, and late a prisoner at Millbank; and, if he will explain the reasons of the non-report of this case to the War Office, and the intentions of the Department as to this disabled soldier of sixteen years' service?

MR. GATHORNE HARDY, in reply, said, he was sorry there had been a delay in getting the Medical Report on this matter. He stated the facts of the case on a former occasion, and the hon. Gentleman would remember that he then said he would get a full Medical Report. That had not yet been put into his hands; but he understood it would be in a day or two, or, at all events, in a very short time. Enough, however, was known to show that the man was practically helpless and had been thoroughly disabled, from whatever cause. Without entering into the merits of the case, he would recommend that something should be done for the man after leaving the hospital.

POOR LAW (METROPOLIS)—SHORE-  
DITCH WORKHOUSE.—QUESTION.

MR. PULESTON asked the President of the Local Government Board, Whether his attention has been called to the Report of the Local Government Inspector on the condition of Shoreditch

Workhouse, where, it is stated decomposing bodies are brought into proximity with the wards of the infirmary, the health of the patients and of the people of the neighbourhood being endangered thereby; whether action can be taken to ensure the immediate erection of a suitable mortuary; and, whether, in view of the importance of the matter, he will consider the desirability of causing special inquiries to be made in other crowded districts, with the object of enforcing such sanitary regulations as will prevent the evils above referred to?

MR. SCLATER-BOOTH, in reply, said, that, with respect to the first part of the Question of the hon. Member, the Report of the Inspector had been brought under his (Mr. Sclater-Booth's) notice, having in fact being addressed to himself. There could be no doubt that the mortuary of the Shoreditch Workhouse had been unduly and improperly made use of by the Vestry, with the permission of the Guardians, for purposes for which the Vestry was bound to provide accommodation of its own. As soon as the attention of the Guardians was called to circumstances set out in the Report of the Inspector, notice was given to the Vestry that the mortuary could no longer be used for the purposes of the parish. With regard to the second part of the Question, he had received a letter from the Vestry Clerk of the parish to the effect, that after great difficulties the Vestry had succeeded in making arrangements which would enable them within a short period to provide a mortuary for their own use. The House would not be surprised that there had been some difficulty and delay, seeing that there was no power of compulsory purchase of land for mortuaries. With reference to the third part of the Question, in one of the new provisions of the Public Health Act, now before Parliament, he had taken power for the Local Government Board to compel local authorities to provide mortuaries where they were required. But his hon. Friend was probably aware that that part of the provisions of the Public Health Bill did not extend to the metropolis. In other crowded localities, however, it was his intention to make inquiries and assure himself that mortuaries were provided wherever there seemed to be a necessity for them.

*Mr. Puleston*

#### ARMY—NORTH TIPPERARY MILITIA. QUESTION.

MR. STACPOOLE asked the Secretary of State for War, Whether it is true that the senior Captain of the North Tipperary Light Infantry Regiment of Militia was absent from the training of the regiment in the year 1874 upon a sick certificate; whether in this year, having applied for sick leave, a medical board was asked for to report upon his fitness for service, and that pursuant to its report he was ordered to join his regiment forthwith; and, whether he has declined to do so; and, if so, is he still retained on the list of Captains of the North Tipperary Regiment?

MR. GATHORNE HARDY, in reply, said, it was true that the person referred to was absent from the training of the regiment. The Medical Board reported that he was fit for service, and he was ordered to join his regiment; but it appeared that the medical report was not made in sufficiently explicit terms. The officer in question still said he was unable to attend to the training, and the Medical Board had been ordered to make another report on the subject.

#### MEDICAL ACT, 1858—UNQUALIFIED MEDICAL PRACTITIONERS.

##### QUESTION.

MR. OWEN LEWIS asked the Secretary of State for the Home Department, If his attention has been called to the report of an inquest held on Monday July 19th, before Dr. Hardwick, Coroner for Central Middlesex, and Dr. Danford Thomas, his deputy, on the body of Emma Jane Plain, aged nine months, when the jury returned the following verdict:—

"That Emma Jane Plain died from the mortal effects of diarrhoea, and that such death was from natural causes; but the jury desire to draw attention to the fact that the deceased received medical treatment at a dispensary in Copenhagen Street, where medicines were administered by an irresponsible unqualified medical practitioner. The jury further wish to add that a dispensary under unqualified medical men, and under the management of irresponsible persons, must be fraught with danger to the community."

Whether it is legal for such unqualified persons to administer medicines and visit patients as the proprietor of the dispensary in Copenhagen Street admits having done; and, whether some steps

should not be taken to prevent the poor being imposed upon by such persons?

MR. ASSHETON CROSS, in reply, said, his attention had been called to the inquest in this unfortunate case. The law in regard to this matter was much discussed at the time of passing the Medical Acts, and the law now was, that if an unqualified person held out in any form or shape that he was a qualified practitioner, then he was liable to punishment, otherwise not. The subject was one which came within the province of the Lord President of the Council, and he (Mr. Cross) would bring it to his attention, so that he might consider the whole case.

#### THE IRISH FISHERIES DEPARTMENT.

##### QUESTION.

CAPTAIN NOLAN asked the Chief Secretary for Ireland, If his attention has been drawn to the recommendation contained in the Report of the Inspectors of Irish Fisheries (presented on the 3rd July) that a cutter or steamboat should be attached to their department to enable its heads to enforce the present Fishery Laws, and to further develop the fisheries; and, if he intends to give effect to this recommendation?

SIR MICHAEL HICKS-BEACH, in reply, said, his attention had been called to the recommendation referred to. The same subject was brought under his notice last summer, and he made inquiries into it then. It appeared that assistance was invariably given by the Admiralty on the requisition of the Inspectors of Irish Fisheries whenever they required the assistance of a gunboat for the prosecution of any inquiry connected with the fisheries. But, considering all the circumstances, it did not appear to him that any necessity had been shown for the attendance of a gunboat, except in special circumstances. In the present Report the Inspectors had given fresh and different reasons why permanent assistance should be given. He would make further inquiries into the matter, and if it appeared necessary to do so, he would communicate with the First Lord of the Admiralty on the subject.

#### ARMY—THE HYDE PARK MAGAZINE.

##### QUESTION.

MR. J. R. YORKE asked the Secretary of State for War, To state to the

House what is the quantity of gunpowder usually stored in the Hyde Park magazine; and, what precautions are used during its transport through the metropolis?

MR. GATHORNE HARDY, in reply, said, that he was rather glad to relieve the minds of certain timid riders and drivers from the dread of being blown up in passing the magazine in Hyde Park. That magazine had never any store of gunpowder in it at all, except in the shape of small arms ammunition, and it had been proved by most careful experiments that that kind of ammunition would not blow up *en masse*, and if one cartridge exploded it would not necessarily affect the others. It was, therefore, not considered necessary to take any special precautions. The removal of the cartridges to the magazine was always accompanied by an escort.

MR. J. R. YORKE asked the right hon. Gentleman to state what number of cartridges were stored there?

MR. GATHORNE HARDY said, it was 1,500,000.

#### AGRICULTURAL HOLDINGS (ENGLAND)

(*re-committed*) BILL [*Lords*].—[BILL 222.]

(*Mr. Disraeli.*)

COMMITTEE. [*Progress 22nd July.*]

Bill considered in Committee.

(*In the Committee.*)

Clause 6 (Time in which improvement exhausted).

Amendment proposed, in page 3, line 9, after the word "shall," to insert the words "not in any case."—(*Colonel Wilson.*)

Question proposed, "That those words be there inserted."

SIR WILLIAM HARCOURT asked the Government to explain distinctly the reasons why they had assented to what was unquestionably the most important change in the Bill since it left the House of Lords? As this clause came from the Upper House the occupiers of land were to be entitled to a particular term of years for each class of improvements, but now that term was to be a maximum, and so much less than the term might be given, but not more. The clause was a definition of unexhausted improvements, and a great many of the articles



in Class I. would not be exhausted in 20 years. The making of bridges and construction of buildings would not be exhausted in that time, although upon the face of the Bill these improvements would be deemed to be then exhausted. Such a provision would lay the foundation of future discontent. If a tenant erected substantial buildings which were in good order at the end of 20 years, and if he received no compensation for them, he would feel it to be rather hard. If what was meant was that, although the improvement had not been exhausted, the tenant had been sufficiently remunerated, then why did they not say so, and, instead of calling it a Bill to secure compensation for unexhausted improvements, call it a tenants' remuneration Bill, which was a very different thing?

MR. HUNT said, his hon. and learned Friend was not very accurate in the history which he had given of the clause. The Amendment, so far from being a change in the Bill as it came down from the House of Lords, was rather a return to the Bill as it was first brought into the House. [Sir WILLIAM HARCOURT said, he meant since the Bill had been read a second time.] Exception was taken to the letting value as the basis of compensation, and the change which had been, in consequence, made in the Bill interfered with its elasticity as regarded the term of years during which improvements continued unexhausted. The Amendment of his hon. and gallant Friend (Colonel Wilson) would make the term of years not a fixed and certain term, but a maximum term within which there should be a certain elasticity. The period of 20 years had been agreed upon as the measure of the term for which improvements were to be considered unexhausted, the object being not to burden the remainderman to a greater extent than was necessary. His hon. and learned Friend observed that good and substantial buildings might be unexhausted at the end of 20 years; but it was not likely that a tenant could erect any buildings to last more than 20 years, without a special agreement with the landlord, giving him compensation for his outlay beyond the terms of this Bill. His hon. and learned Friend appeared in the character of "the farmers' friend," but he (Mr. Hunt) must point out that the farmers' friends, as repre-

sented in the Central Chamber of Agriculture, asked for 20 years' compensation.

MR. KNATCHBULL-HUGESSEN said, he hoped they would not bandy words from one side of the House to the other, as to who were or who were not "farmers' friends." With regard to the Amendment, he thought, in the first place, that the whole clause was unnecessary, and that the matter might well be left to the referees and umpire to decide how much of the improvement remained unexhausted. But if the clause were to stand, the argument of his hon. and learned Friend the Member for the City of Oxford (Sir William Harcourt) was logically just, that there should be no limit as against the tenant. A building might be put up which would only last 10 or 12 years—in that case the landlord was safe under the Amendment, but if one was put up which lasted 25 years, the tenant had no protection. But looking at the matter as a practical man, no doubt in the vast majority of cases no such buildings would be put up save under special agreement. Then, without saying a word against the class of valuers from whom the referees would be chosen, they were generally farmers themselves or connected with farmers, and as their leaning would be rather towards the tenant than the landlord, the former would generally get a full term allowed him. Moreover, if the consent of the landlord was to be necessary to these improvements, that consent might be refused if the charge upon the estate was to be for an indefinite period, and therefore they might, by allowing it to be so, prevent those very improvements which they wished to encourage. He therefore preferred the Amendment endorsed by the Government, and if there was to be restriction at all, he would rather have it in the form of this Amendment, which he would presently use as an argument why one of his own ought to be adopted.

MR. PAGET suggested that the clause would be more rational if it declared that the claim for compensation for an improvement, rather than the improvement itself, should be deemed to be exhausted.

MR. PELL said, that improvements which would not be exhausted in 20 years were rarely made without substantial co-operation on the part of the

*Sir William Harcourt*

landlord, who often found the material when the tenant found the labour.

MR. WELBY said, that, on the contrary, he had known a tenant at his own expense lay out more than he would recoup in 20 years.

MR. NEWDEGATE said, that though hon. Members opposite were taunted with not being the "farmers' friends," they took the same view as Mr. Pusey, who he presumed was entitled to that character. He wished to know whether the hon. and learned Attorney General had formed any opinion as to how the rights of the tenants under the Emblements Act would be affected by this clause?

THE ATTORNEY GENERAL said, that it did not appear to him that the law of emblements had anything to do with the particular question under the consideration of the Committee, which was simply as to the respective periods during which improvements of the several classes were, for the purpose of ascertaining compensation, to be deemed as continuing unexhausted. The object of the Amendment was to carry out the strongly-expressed feeling of the House, and to fix a maximum number of years, beyond which the arbitrator could not in any case go, but leaving it to him to determine the proper period, within that limit, in each case as it arose.

SIR WILLIAM HARCOURT protested against the statement that the change had been made in consequence of the strongly-expressed feeling of the House. The Government were conducting the Business in a manner which suggested that they were confounding what had taken place at meetings of the supporters of the Government with what had been done in the House, where the question had not been discussed. The First Minister had announced the withdrawal when bringing down the measure from the other House.

MR. HUNT contended that it was purely a question of drafting.

Amendment agreed to.

MR. KNIGHT moved, as an Amendment, in page 3, line 9, after "Act," to insert "and in the absence of any special agreement as hereinafter provided for." They had now got a Bill embodying the Lincolnshire principle, which had worked well for three generations. He had taken the words of his Amendment from Mr. Pusey's Bills on tenants' compensation.

All those Bills contained a main proposition and an alternative one. The main proposition was, that the tenants should be reimbursed, and that the outlay should be divided over a series of years. Mr. Pusey's alternative proposition was, that persons who wished to make special agreements with their tenants under the Act should be allowed to do so. The present Bill adopted Mr. Pusey's main proposition; but the alternative proposition was, that if landlords wished to make a special agreement with their tenants they should be left out of the Act. Now he contended that there ought to be two sets of special agreements, one outside the Act, and another to meet cases in which the landlords were ready to give their tenants a Schedule with a fair compensation, but not to be thereby left out of the Act. If the Amendment of the hon. and gallant Member for West Suffolk (Colonel Wilson) had not been carried, Lincolnshire would have been out of the Act. The House had by a majority of four to one decided against the compulsory principle; but if the Bill passed in its present shape all his friends whom he had consulted intended to contract themselves out of the Act, except, indeed, his right hon. Friend the First Lord of the Admiralty.

THE ATTORNEY GENERAL said, he did not think that the words proposed would, if inserted, add to the force or effect of the Bill. If such, however, were the case, it would be necessary that corresponding words should be added to other clauses. He would suggest that they should wait till they came to consider Clause 45, when the whole question could be discussed, and if the Committee were of opinion that additional words were required to give effect to the intention of his hon. Friend, they could be added in that clause, and any corresponding Amendments in other clauses could be made on the Report.

SIR THOMAS ACLAND said, that he proposal was one the principle of which he had more than once advocated within the last three weeks. The power of contracting out was the defect which would make the Bill waste paper. He held in his hand a notice to quit, which had been served on 100 farmers in anticipation of its passing.

LORD ELOHO, while deprecating any alteration of the clause in the direction

of contracts, considered the Amendment worthy of support, so far as it enabled persons to bring themselves within the operation of the Act.

MR. GOLDSMID hoped that the suggestion of the hon. and learned Attorney General would be acted upon, and that the Amendment would not be pressed.

LORD GEORGE CAVENDISH said, that the statement of the hon. Gentleman who moved the Amendment (Mr. Knight) to the effect that the friends he had spoken to intended to contract themselves out of the Act, was quite in accordance with his own experience. Even some noble Lords who had voted for the Bill in "another place" had made similar statements. It was worthy of consideration whether they were not dealing with the subject in a somewhat unscriptural manner—by laying upon other people's shoulders burdens too heavy to be borne, and not being themselves willing to touch them with the tip of their finger; while it might be that the First Lord of the Admiralty would be the one righteous man found among them.

THE MARQUESS OF HARTINGTON considered the statement made by the hon. and learned Attorney General satisfactory as far as it went; but the question of contracting out of the Bill was too important to be lightly passed over, and he thought they ought to have some definite assurance from the Government as to the alteration they proposed to make in Clause 45. As there was a reference in another clause to agreements outside the Bill, he wished to know whether it was the intention of the Government so to alter the 45th clause as to give agreements entered into between landlords and tenants equal force with the provisions of this Bill?

MR. HUNT said, he understood the proposal of the hon. Member for West Worcestershire (Mr. Knight) to be that if the landlord and tenant were anxious to avail themselves of the provisions of the Bill to a certain extent only, or wished to define more clearly than the Bill did for what improvements compensation should be given, they should have the right to enter into such an agreement, and still be able to use the machinery of the Bill in other respects. It was the wish of the Government, in framing the 45th clause, to give landlords and tenants

such a power; and, if the clause did not go far enough in that direction, he should be happy to amend it so as to ensure the attainment of that object. Not only ought parties to be allowed to contract themselves entirely out of the Bill, but they should be permitted to make special agreements within it so as to entitle them to all the advantages which the machinery of the Bill could afford them.

SIR WILLIAM HARCOURT inquired whether the parties entering into special agreements outside the Bill would in such cases have the advantages of Clauses 34, 35, and 36, the most valuable part of it, and be enabled, under these special agreements, to charge the inheritance?

MR. CHAPLIN hoped that Her Majesty's Government would not give any pledge as to amending a clause until the clause was reached. Although he believed that 99 landlords out of 100 would contract themselves out of the Bill, he considered it a most valuable measure, because, in future, tenants throughout the country would enjoy security either under it or under specific agreements adapted to their wants or the circumstances of their particular locality, and based upon the principles laid down in the Bill. It was ludicrous, therefore, to suppose that the tenant farmers of England were so blind to their own interests that they would deprive themselves of the advantages they would possess under the Bill.

MR. DODSON said, he should like to know precisely what was to be done with the 45th clause before they parted with the Amendment?

THE ATTORNEY GENERAL said, he thought that the promise which had been made by his right hon. Friend ought to satisfy the Committee. There was no difficulty in understanding what the hon. Member for West Worcestershire wanted. His object was to give the parties the option of using the machinery of the Bill or not; but although it might be right to allow the landlord and tenant to enter into such contracts as they might think fit, excluding wholly or in part the provisions of the Bill, it would not, in his opinion, be right to confer upon them power to charge the inheritance by virtue of contracts which were entirely beyond the scope of the Bill.

Amendment, by leave, *withdrawn*.



MR. KNATCHBULL-HUGESSEN moved an Amendment, the object of which was to extend the term during which compensation should be given for improvements in the second class from seven years to ten years. He called attention to the evidence given before the Select Committee in 1848 on "agricultural customs," wherein witnesses declared that chalking and marling were improvements not exhausted in seven years, some giving ten, and some as much as 20 years, as the period at which they had themselves seen the effects of such improvements. As they were now only fixing a maximum, this could be no injury to landlords, and it would be a graceful concession to tenant-farmers. Moreover, the Farmers' Club had earnestly pressed for this concession.

Amendment proposed, in page 3, line 14, to leave out the word "seven," in order to insert the word "ten."—*(Mr. Knatchbull-Hugessen.)*

MR. HUNT admitted that there was room for difference of opinion as to the length of time the benefit of these improvements lasted, but the Central Chamber of Agriculture had taken seven years, and he thought it a very fair maximum.

MR. PEASE said, that when the time to be fixed by the valuers was governed by the words "not exceeding," they might make the clause more elastic. Agriculture was a rapidly progressive science, and every encouragement should be given to scientific farming and the application of more capital.

MR. WILBRAHAM EGERTON thought they were taking a great deal of care of the outgoing and very little of the incoming tenant.

SIR THOMAS ACLAND admitted that the Central Chamber of Agriculture was an important body, but he did not think the Bill they had put forward could be quoted as strong evidence in that House. The farmers on the Eastern side of England attached a good deal of importance to this point.

MR. DODSON said, the Lincolnshire Chamber of Agriculture and some other bodies advocated this extension of time, and in the Bill introduced by the hon. Member for South Norfolk (Mr. Clare Read) in conjunction with Mr. Howard, 10 years were allowed for durable im-

provements already accepted by the Government would be to make the number of years stated the maximum number, there need be no hesitation in making this concession.

MR. CLARE READ said, there was considerable difference between the Schedule in this Bill and the Schedule in Mr. Howard's Bill of 1873. A good many of the improvements mentioned in the latter were taken out of the second and put in the first class in this Bill.

SIR EDWARD COLEBROOKE said, some of these improvements did not begin to tell for two or three years. On moorland, for instance, liming did not tell until after three years.

MR. KNIGHT believed that a seven years term would be a proper allowance for lime laid on pasture land, and four years on arable land.

SIR HARCOURT JOHNSTONE said, his experience was that the liming of lands was exhausted in about seven years, while marling lasted ten years. There could be no harm in allowing that maximum.

COLONEL DYOTT hoped the Government would not give way by accepting the Amendment.

MR. KNATCHBULL-HUGESSEN said, that there was danger in legislating for England according to the customs of any particular county. Legislation on this subject was sure after a time to be made compulsory, and he respectfully warned his brother landlords in that House that if they did not now act in a generous and liberal manner they would not only have this Bill hereafter made compulsory, but probably a much stronger one substituted for it. Talking of different counties, in Kent the chalk was brought from a distance down to the clay lands and much expense incurred in the process.

MR. PELL was inclined to think there was sound sense in the Amendment. He thought the Government might very well accept it seeing that they had already accepted that of the hon. and gallant Member for West Suffolk. In some cases seven years would not exhaust the advantage gained, and as the allowance to be made would rest with the arbitrators, there was no reason why the Amendment should not be accepted.

MR. CHAPLIN hoped, after the Amendment which had been already

adopted, the Government would be disposed to accept the one before the Committee.

SIR GEORGE JENKINSON, on the other hand, expressed a hope the Government would resist the Amendment.

Question put, "That the word 'seven' stand part of the Clause."

The Committee *divided*:—Ayes 196; Noes 133: Majority 63.

MR. CHAPLIN said, that the Bill as it stood, provided compensation for improvements in the third class, which calculated according to the two years' scale, would be, in the case of artificial manures, half as much again, and of feeding stuffs three times as much again as was now paid by the Lincolnshire custom, which many people thought too much. He would take a farm of 500 acres, on which the compensation under the Lincolnshire custom would be £625, but under the Bill as it now stood the compensation would amount to £1,500. If they did not take great care they would be creating a tenant-right so exceedingly heavy that it would be almost impossible for an incoming tenant to pay it. It would simplify matters very much if the Government would adopt his proposal, which he put under three heads—manures, cake, and feeding stuffs not produced on the farm, and on this scale—for artificial manures, the whole sum properly laid out by last year's tenant; for cake one-half of the sum properly laid out during the last year, subject to no restriction; and for feeding stuffs not produced on the holding, he would give such proportion not exceeding one-half as had been properly laid out, which would fairly represent at the termination of the tenancy the manurial value to the incoming tenant. With this view he would move as an Amendment, in page 3, line 15, the omission of "two years," and the insertion of "one year."

MR. HUNT said, he sympathized with the intention of the Amendment, and quite admitted that his hon. Friend was right in his anxiety not to make the burden too heavy upon the incoming tenant. But what they had to consider was, whether one year would really satisfy the justice of the claims in all cases, and the Government had arrived at the conclusion that it would not, especially in the case of a Lady-Day tenancy. There was a certain amount of dissatisfaction

*Mr. Chaplin*

with the wording of the 8th clause, and it was, that the taking the outlay simply, even with a deduction of the profit which the tenant himself had derived, was too excessive a mode of dealing with the question in regard to third-class improvements. Various Amendments on the Paper were to the effect that manurial value should be taken, and, after great consideration, the Government had come to the conclusion that that was a just view. In this clause he proposed to insert the Amendment of the hon. and gallant Member for West Sussex (Sir Walter Barttelot) for including hay, and on the same principle he would add seeds; so that the last paragraph would read thus—

"Where it is of the third class, the end of two years, or the taking of a crop of corn, seed, hay, or potatoes (whichever first happens)."

It was also proposed that Clause 6 should be amended by the insertion of the following words—

"The amount of the tenant's compensation in respect of improvements of the third class shall (subject to the provisions of this Act) be such proportion of the sum properly laid out by the tenant on the improvement as fairly represents the manurial value thereof to an incoming tenant."

That would extend to the whole of the three classes of the improvements, and the rest of the clause would be omitted.

SIR THOMAS ACLAND congratulated the right hon. Gentleman upon the proposed change in the 8th clause. He thought it would meet the common-sense view of the case, and get rid of a great many difficult details.

MR. PELL preferred the Amendment of his hon. Friend the Member for Mid-Lincolnshire.

SIR WILLIAM HARCOURT concurred entirely with the hon. Member for Mid-Lincolnshire (Mr. Chaplin) as to the effect of the clause, but he was afraid that making it one year instead of two would not remove the difficulty. It would not prevent controversy as to which field the manure had been put upon, and they would have to identify the land.

THE ATTORNEY GENERAL was unable to see the force of the criticism of his hon. and learned Friend.

MR. PEASE said, the excellent Amendment suggested by the right hon. Gentleman in the 8th clause would accomplish all he had been striving for,

and would make a wonderful improvement in the Bill.

MR. KNIGHT disapproved of manorial valuation, and thought if they adopted the Lincolnshire custom the clause would be as perfect as it could be made.

MR. KNATCHBULL - HUGESSEN believed the question was one which had better be left to referees and umpires who could decide what was really the manorial value.

MR. BEACH considered the Amendment proposed by the Government a very proper solution of the difficulty.

MR. CHAPLIN said, the difference between this proposal and that which the right hon. Gentleman (Mr. Hunt) was about to substitute for Clause 8 was not very great. It was whether the compensation for manorial value of the third class should be given for one year's application or two. He felt satisfied that if compensation were allowed for two years, such a discretion would be given to the valuers that tenant-right might become a much heavier burden than it ought to be.

MR. DODSON said, a tenant-right existed in his county (Sussex) which was a great deal older than that of Lincolnshire. The difference was that the Lincolnshire tenant-right was a very sensible and good one, and that the Sussex tenant-right was a very bad one. Looking at all the circumstances, he believed with the hon. Gentleman who proposed the Amendment, that compensation for manorial value should be given for one year only.

MR. PELL said, the probability was, as matters were tending, that the tenant would get no compensation at all.

MR. FLOYER recommended the House to abide by the clause.

MR. CLARE READ agreed that, after a crop of corn had been taken, it was most difficult to say what the manorial value was. At the same time there were certain manures, such as rape-cake and greaves, which were certainly not exhausted in one year. After full consideration, he preferred the proposal made by the Government in the Bill to that of his hon. Friend.

MR. CHAPLIN said, the object of his Amendment was of immense importance in his opinion; but, as there was so much diversity of opinion expressed about it, he would consent to withdraw

it, and so save the Committee the trouble of dividing.

Amendment, by leave, *withdrawn*.

MR. STORER moved, as an Amendment, in page 3, line 15, to leave out all the words after the words "two years" to the end of the clause. The effect of the clause as it now stood would be to deprive a tenant who raised a crop of corn or potatoes off any part of his farm of all right to compensation, and this, he thought, would in many cases inflict hardship on the outgoing tenant.

Amendment proposed, in page 3, to leave out from the word "years," in line 15, to the end of the Clause.—(Mr. Storer.)

MR. KNATCHBULL - HUGESSEN said, that he thought the term of "two years" might be left without additional words, as had been the terms of 20 and 7 years respectively in the other classes, and the details left to the referees, words being inserted to direct them to ascertain what amount of unexhausted value remained for the incoming tenant. He urged the hon. Member to persevere in his Amendment.

MR. CLARE READ observed, that in cases of difficulty it would be better to give the doubt in favour of the incoming tenant. He hoped the Committee would adopt the clause as it stood.

SIR WALTER BARTELOT expressed a hope that the Committee would not consent to the Amendment of the hon. Member for Nottinghamshire. In West Sussex they had bought up all the old customs, and it was now sought by this Amendment to bring them back again. About two years ago he purchased a farm of 190 acres, and had to pay on a valuation a sum of £978. How could a tenant entering upon the land on such terms hope to make anything out of it? In the case he referred to, he extinguished the custom, bearing the loss himself.

MR. GREGORY was in a position to affirm what his hon. and gallant Friend (Sir Walter Bartelot) had said as to the hardship of the custom referred to upon an incoming tenant. One of his farms fell in some time since, and the valuation was so oppressive to the succeeding tenant that he at once extinguished the custom by purchase.



Question put, "That the words 'or the taking of a crop' stand part of the Clause."

The Committee *divided*:—Ayes 248; Noes 98: Majority 150.

MR. HUNT moved in page 3, line 16, after "corn" to insert "seed" and "hay," so as to provide that an improvement should be deemed exhausted where it was of the third class, at the end of two years, or the taking of a crop of corn, seed, hay, or potatoes.

Amendment proposed, in page 3, line 16, after the word "corn," to insert the words "seed, hay."—(*Mr. Hunt.*)

SIR WILLIAM HARCOURT asked for some explanation of what was intended by the term "seed?"

MR. CLARE READ said, it might include turnip seed, and every kind of agricultural seed that exhausted land.

MR. KNATCHBULL - HUGESSEN inquired whether it might include clover seed?

MR. GOLDSMID suggested that the Government should consider this classification before the Report. It would not be easy to prepare a complete list of "exhausting crops." Many had not been mentioned at all—as, for example, horse-radish and onions. Whole fields of these were grown, and they greatly exhausted the land.

COLONEL MURE said, they would do well to stop at crops, and say, "any crops to which manure is supplied" ought to be taken into consideration by the valuer, because it would be unwise to specify some crops and leave out others.

SIR WALTER BARTELOT had put the Amendment down, as he thought it a very important one. He would also say some seeds exhausted the land much more than other seeds.

MR. KNATCHBULL - HUGESSEN approved of the suggestion that a general power should be given to the valuer.

MR. MARLING suggested that a crop of teasles should be added.

MR. STORER said "seed or hay," if inserted, would not meet the difficulty; for there was a score of other crops he could mention, such as chickory, flax, and mustard, all of which should be considered, and as it was hardly possible to specify all the crops, why not say, after the word "taking," "any existing crop

from land to which manure made or purchased during the last year shall have been applied?"

MR. GOLDSMID thought it would be better to stop at the word "crops," instead of attempting to particularize what those crops were.

MR. HUNT believed that the word "seed" would include the crops which had been mentioned, except teasles.

MR. PELL said, the landlord would not be doing his duty either to himself or his tenant if he did not bar the growing of particular crops.

THE MARQUESS OF HARTINGTON suggested that, as it was impossible to insert all the crops, the Committee had better trust to the Government to get out of the difficulty in the best way they could on the Report.

MR. PELL thought it was hardly fair to get the landlord out of the difficulty when he could get out of it himself.

MR. MUNTZ asked why the Committee should insert the words at all. Crops of Kohl Rabi and cabbages exhausted land more than anything else.

MR. KNATCHBULL - HUGESSEN pointed out the difficulty into which Government had brought the House by persisting in definitions of various "exhaustive" crops instead of using general words and leaving the matter to be settled by the valuers. He hoped the hon. Member (Mr. Pell) who had spoken for and voted against a recent Amendment would this time have the courage of his opinions, and speak and vote the same way.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 265; Noes 77: Majority 188.

MR. STORER proposed, as an Amendment, in page 3, line 16, to insert after "corn," "or any exhausting crop from land to which manures made or purchased during the last year shall have been applied."

MR. HUNT said, he could not accept the words proposed, but he would be ready to agree to the proposal of his hon. Friend the Member for South Leicestershire (Mr. Heygate) to insert the words "or other exhausting crop."

Amendment, by leave, *withdrawn*.

On Motion of Mr. HEYGATE, Amendment made in page 3, line 16, by insert-

ing after the word "potatoes" the words "or other exhausting crop."

On Motion of Mr. KNIGHT, preceding Amendment amended by adding after the word "crop," the words "not consumed on the holding."

MR. KNATCHBULL-HUGESSEN expressed his regret that more than half-an-hour had been wasted before the Government would concede, as they had now done, the point for which he had all along been contending.

Clause, as amended, *agreed to*.

Clause 7 (Amount of tenant's compensation for first and second class).

SIR GEORGE CAMPBELL moved an Amendment to provide that the amount of the tenant's compensation for improvements of the first class should be the sum laid out so far as it added to the letting value; and that in the second and third class it should be the sum laid out so far as unexhausted and of value to a succeeding occupier. He said the Government had accepted the principle of the Amendment for the third class, and why should they not do so in respect of the other two classes?

MR. HUNT said, it was true they had adopted it partially for the third class, which affected mainly the incoming tenant; but the other two classes affected the landlord, and were therefore dealt with differently. As the hon. and learned Member for Cambridge (Mr. Rodwell) had an Amendment on the Paper which distinguished between each class of improvements, he would suggest to the hon. Member to postpone his Amendment until such time as the other was considered.

SIR GEORGE CAMPBELL acquiesced in the suggestion.

Amendment, by leave, *withdrawn*.

MR. RODWELL moved, as an Amendment, in page 3, line 18, to leave out "or of the second." In the previous discussion he understood from the Government that the limit of "letting value" was only introduced into the Bill to preserve the rights of the remainderman. But the present clause, as it now stood, dealt with the first and second classes in the same way—

"So that the amount of the compensation shall not in any case exceed a capital sum fairly representing the addition of which the improvement, as far as it is unexhausted at the determi-

nation of the tenancy, then makes to the value value of the holding."

He now proposed an Amendment separating the first class from the second. The first class were essentially landlords' improvements extending over a considerable time. The second were tenants' improvements, and the subjects of compensation in which, in many cases, the landlord did not interfere at all. The restriction, therefore of "the letting value of the holding" was unnecessary in the first class, except in cases where the landlord was only the limited owner. He proposed to remove the second-class improvements, which extended over a short period, altogether out of the operation of the "letting value" restriction.

MR. HUNT said, that the proposed Amendment was consistent with the scope of the Bill. It was, however, important that the remainderman should be protected, as it would be obviously unjust that a landlord and tenant should have it in their power to execute some considerable improvement, and charge it upon the inheritance, if the remainderman reaped no benefit from it. He was, therefore, prepared to accept the hon. and learned Member's Amendments when the Committee came to them. The present was a verbal Amendment to open the door to the ulterior and important one he had in view, to which he (Mr. Hunt) not object.

Amendment *agreed to*.

SIR GEORGE CAMPBELL moved, as an Amendment, in page 3, lines 19 and 20, to omit the words "a deduction of one-twentieth," and substitute "as far as it adds to the letting value of the holding at the determination of the tenancy."

And it being now ten minutes to Seven of the clock,

House resumed.

Committee report Progress; to sit again upon *Monday* next.

THE MARQUESS OF HARTINGTON expressed a hope that before the Committee was resumed on Monday, the Government would place on the Paper the Amendments which they proposed to insert in Clause 45.

MR. HUNT said, he did not know whether it was possible to put them in the Paper that evening. He was afraid it was not, but he would put them in the Paper as soon as possible.

THE MARQUESS OF HARTINGTON said, he was afraid they would not reach the clause on Monday.

MR. HUNT said, he was afraid not, unless, indeed, the noble Lord gave them his assistance.

It being now Seven of the clock, the House suspended its Sitting.

The House resumed its Sitting at Nine of the clock.

#### SUPPLY.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

#### METROPOLIS—THE THAMES EMBANKMENT AND THE NEW NATIONAL OPERA HOUSE.—RESOLUTION.

COLONEL BERESFORD, in rising to call the attention of the House to the intended encroachment on the Thames Embankment by the erection of the new Opera House; and to move—

"That, in allowing the building frontage on the Thames Embankment to be advanced to within thirty feet of the roadway, the Metropolitan Board of Works is acting in contravention of the policy intended to be affirmed by the Resolution of this House on the 8th day of July 1870, whereby the Embankment was secured as an open space for the use of the people,"

said, that in asking the attention of the House to the subject-matter of the Motion, he wished to clear away all doubts as to the specific object of it, by broadly stating that he objected to the advance by 75 feet towards the Embankment of the building frontage of the New National Opera House, and he fearlessly asserted that it was a most wanton and gratuitous act on the part of the Metropolitan Board of Works. It was desirable that he should refresh the memories of hon. Members who were in the House in 1870, and enlighten those Members who entered the House for the first time in 1874 as to proceedings in that House on the question of reclaimed land and open spaces. In 1862 a Bill, promoted by the Government of the day, was brought in by the then First Commissioner of Works, the right hon. Gentleman the Member for Hampshire (Mr. Cowper-Temple), which, amongst other things, provided—

"That, after payment had been made to the Crown for the foreshore, and to the Conservators of the Thames, all land which lay between the property of ordinary owners and the foreshores of the river was vested in the Metropolitan Board of Works, who were charged with the duty of maintaining it for ever as land for the purpose of public recreation and amusement:" and further, that "all open spaces possible were to be retained in the metropolis."

Now, the land upon which a portion of the National Opera House was proposed to be built answered to the description given—that was, in respect to the advance of 75 feet, for the entire cost of the recovery of that land fell upon the ratepayers of the metropolis generally. He would mention that another and much more recent case, as confirmatory of the policy of 1862, occurred in 1870, when the late Government intimated their intention of erecting public offices on a portion of the Embankment at Charing Cross, eastward of the site intended for the National Opera House. To defeat that attempt by the Government to override the object set forth in 1862, the hon. Gentleman the senior Member for Westminster (Mr. W. H. Smith) brought the proposal before the House, having placed the following Notice of Motion on the Paper:—

"That an humble Address be presented to Her Majesty, praying that She will be pleased to direct that no public offices be erected on that portion of the Thames Embankment which is reserved to the Crown, and which has been reclaimed from the River at the cost of the Ratepayers of the Metropolis."

That Motion was resisted in a long speech by the Prime Minister of the day, the right hon. Gentleman the Member for Greenwich (Mr. Gladstone), and by his Chancellor of the Exchequer, the right hon. Gentleman the Member for the London University (Mr. Lowe); but despite them, the supporters of the Motion were three to one in favour of it, and it was carried by a majority of 50 exactly, and amongst those who voted were 16 Members of the present Government, including three Cabinet Ministers. Looking at *The Times* of the Monday following the division, he found it referred to that event as "the glorious defeat of the Government." He felt confident that no hon. Member of the House would deny that the result of that division had been to confer a great boon upon the people of the metropolis. It was impossible for any right-minded man to walk down the Embankment and



view the open space with its gardens and walks, upon which it was proposed to erect public buildings, without admitting that the hon. Gentleman the present Financial Secretary to the Treasury was richly entitled to the gratitude of every frequenter of that spot. Those Parliamentary proceedings went to prove the desire which existed amongst the people for open spaces and fresh air; and he invited the attention of the House to the case he was about to submit for its consideration in respect of the encroachment by the National Opera House—an encroachment which he did not hesitate to repeat was most gratuitous and wanton in its character. Some months back the Metropolitan Board of Works let the piece of vacant ground abutting on Cannon Row, and lying between Richmond Mews and the garden of No. 1, Richmond Terrace—which garden extended to the Embankment footpath—on the east side, and the ground occupied by the buildings and garden of the Civil Service Commissioners on the west side, to a Mr. Goldstein, Mr. Kent, and Mr. Bulmer at an annual rental, he believed, of £3,000 per annum. At about the centre of the ground, and abutting on Cannon Row, were two houses which extended about 56 feet in the direction of the Embankment, with a frontage of about 37 feet. The Board of Works made no condition with the lessee, Mr. Bulmer, as to the removal of the said two houses. The lessee having obtained possession of the ground, sold the lease of it to Mr. Mapleson, and obtained a premium for the lease of £10,000, in round figures. Finding himself in possession of the ground, Mr. Mapleson was immediately confronted by the serious obstacle in proceeding with the erection of the Opera House presented by the two houses in Cannon Row. In this emergency, he applied to the Board of Works to sanction his advancing the site for the Opera House by 75 feet in the direction of the Embankment. The Board conceded the advance, and it was on learning that fact that he (Colonel Beresford) put a Question on the Paper for May 24 last, asking if Mr. Mapleson would not acquire thereby an additional available space—meaning by available additional ground to erect buildings on—of, in round figures, 9,000 feet. That Question was answered by the hon. and gallant

Gentleman the Chairman of the Board of Works in a way which was calculated, he would not say intended, to mislead, and did mislead, the House, for he (Sir James Hogg) stated that Mr. Mapleson had been called upon to make a roadway on either side of the Opera House, after allowing for which he would be a loser of 360 square feet. This was an utter delusion, in point of fact, and Mr. Mapleson had, according to the plan which had been given on the subject, in round figures, gained 4,650 square feet by the exchange of available ground, for which he had not paid a farthing. In consequence of the tenour of that reply, he followed up his first Inquiry with another on the 7th of June, the answer to which still more mystified the House, and was, to use the mildest word, incorrect. He was, of course, confining his inquiry to available, that was, building ground. He allowed, for the moment, the space occupied by the two side roads, so far as the building extended, and the figures and loss of square feet alleged by the Chairman of the Board could only be made out by including the area of the side roads when continued beyond the front of the building up to the Embankment footpath. But what about the “inducement” which was paraded before the House as a very virtuous proceeding to warrant the Board in conceding the advance of 75 feet? He asserted emphatically that, without any inducement whatever, Mr. Mapleson, for his own purposes, must have made side roads, or one 40 foot side road; and he would go further, and tell the House that if Mr. Mapleson could have dispensed with side entrances altogether to the Opera House and side roads, the Lord Chamberlain would have insisted upon roads being made, or would have refused to licence the house. So much for the vaunted inducement. With regard to the two houses, the Chairman of the Metropolitan Board alleged the inability of Mr. Mapleson to arrange for their purchase. It was, in fact, simply a question of money, and he submitted that the Board of Works deserved the censure of that House for not having obtained possession of and for not having removed them before they dealt with the land. On that Friday he expected his Motion first to come on, but was debarred by the lateness of the hour, on that very day. Everything else having been

previously settled, the two houses Mr. Mapleson could not arrange for changed hands, and again Mr. Bulmer became the owner for himself, or on behalf of Mr. Mapleson, and he believed that gentleman had let the ground at a considerable rental for the erection of a Royal Academy of Music. It was a most unbusiness-like proceeding on the part of the Metropolitan Board that they should have been deluded into this grant of 75 feet of additional frontage, on the plea that Mr. Mapleson could not get these houses. Money in this country could do anything, and the proof here was that Mr. Mapleson had now secured the houses. The proceeding on the part of the Board of Works was in direct opposition to Sections 10 and 11 of 19 & 20 *Vict.*, c. 112, which gave power to the Metropolitan Board of Works

"to provide parks, pleasure-grounds, places of recreation, and open spaces for the improvement of the metropolis or the public benefit of the inhabitants."

Now, he asked, although the front of the proposed Opera House might be made as handsome as they pleased, was the bringing up to within 30 feet of the Embankment footpath a building 75 feet high or thereabouts—shutting out light and air, throwing darkness over the gardens adjoining on the east side, and, indeed, on all sides but the front—was this "an improvement to the metropolis or for the public benefit of the inhabitants?" Surely, such a proceeding could never have been intended. The space between the Embankment roadway and the building frontage had been pretty closely preserved, and was chiefly laid out in public gardens, and he confidently submitted that this infringement on the 105 feet reserved would be a serious damage to the occupiers of houses in the immediate vicinity, who would be shut out by the gigantic walls of the proposed house from any view of the Embankment, and would be deprived of light and air also. He had still something to add to complete his case against the Metropolitan Board of Works. Poor unfortunate Mr. Mapleson was not allowed to become lessee of the ground, and to erect the Opera House without being provided by the Board with an architect and a contractor. The former official, in the person of Mr. Fowler, a member of the Board and Chairman of the Board's

Buildings Committee, was thrust upon Mr. Mapleson, and the Board further compelled the unhappy man to employ a contractor to get out the foundation nominated by the Board. These doings were in violation of the Metropolitan Local Management Act, 1863, Section 64, whereby it was provided that

"no officer or servant of the Board shall in anywise be concerned or interested in any contract or work made with or executed for such Board."

It appeared also that Mr. Fowler was to be the architect of the Royal Academy of Music. He submitted that the Board had been guilty of a gross violation of the duties intrusted to them, and he hoped the House would mark its sense of their conduct by endorsing the Resolution. It was not too late to repair the injury that was about to be done, and he trusted the Government would call on the Metropolitan Board of Works to limit the frontage of the building to what was originally intended, which would be the line of all the other buildings along the Embankment. The hon. and gallant Member concluded by moving the Resolution of which he had given Notice.

Mr. SPEAKER inquired if any hon. Member seconded the Motion?

Mr. BOORD said, he had not intended to interpose at that stage of the debate, but as the Representative of a large number of metropolitan ratepayers who were naturally interested in the administration of their affairs by the Metropolitan Board of Works, he would second the Motion of the hon. and gallant Member for Southwark, sooner than allow it to drop without receiving the answer which he thought the House was entitled to expect from the hon. and gallant Gentleman the Chairman of the Board. The principal charge contained in the speech of the hon. and gallant Member for Southwark resolved itself into a simple sum in arithmetic. The hon. and gallant Gentleman had said that the Metropolitan Board of Works had made Mr. Mapleson a present of some 5,000 square feet of land, without any consideration whatever, and consequently at the expense of the ratepayers, and in proof of this he referred to a plan published by the Board when they were about to invite tenders for the property. Now, he (Mr. Boord) had had an opportunity of inspecting a copy of

that plan, and had made a rough computation of the extent of the areas in question, with the following result:—The piece of land let, in the first instance, to a Mr. Bulmer, contained 41,190 feet; the additional piece conceded to enable Mr. Mapleson to advance his frontage 75 feet, contained 15,750 feet; making in all 56,940 feet; from this must be deducted the space, within the letting, to be occupied by two roads each 20 feet wide, 10,400 feet, leaving 46,540 feet as the extent of the area now in Mr. Mapleson's possession, which, it would be observed, was 5,350 feet more than the original letting, and it had been admitted that no increased rent or other consideration was to be paid. The figures just quoted varied slightly from those given by his hon. and gallant Friend the Chairman of the Metropolitan Board (Sir James Hogg) in answer to a Question put in the House on the subject; but even taking the hon. and gallant Gentleman's own figures, there were 3,830 feet absolutely given away. Another point worthy of the attention of the House was this. The Metropolitan Board had let this property to a certain person for a fixed rental, and that person had immediately disposed of his interest in it for £10,000. Now, if it was worth £10,000 more than the Metropolitan Board obtained for it, the question might fairly be asked—why was more care not exercised in the letting of this land so as to save that sum to the metropolitan ratepayers? He had observed that in one of the Bills, introduced this Session by the Metropolitan Board of Works, power was given to the authorities of the Inner and Middle Temples to erect certain turrets and bay windows on land which adjoined their property, and had been reclaimed from the river, the said turrets and windows to project not more than 10 feet on to such land. Now he wanted to know, if it was necessary to obtain the authority of Parliament for the Benchers of the Temple to advance 10 feet on the ground of the Embankment, how it was, that within a very short distance of that spot, the Metropolitan Board of Works of their own motion could give Mr. Mapleson permission to advance 75 feet? He was glad to see that the hon. and gallant Gentleman the Chairman of the Metropolitan Board had apparently fortified himself with

voluminous materials for his reply, and he trusted he would be able to give a satisfactory explanation of these matters, in the absence of which such costly negligence on the part of the Metropolitan Board would inevitably shake public confidence in a body on whose prudence and watchfulness the comfort and security of the inhabitants of London were so largely dependent.

#### Amendment proposed,

To leave out from the word "That," to the end of the Question, in order to add the words "in allowing the building frontage on the Thames Embankment to be advanced to within thirty feet of the roadway, the Metropolitan Board of Works is acting in contravention of the policy intended to be affirmed by the Resolution of this House on the 8th day of July 1870, whereby the Embankment was secured as an open space for the use of the people,"—  
(Colonel Beresford.)

—instead thereof.

SIR JAMES HOGG said, he would do his best in a short time to answer the numerous indictments against himself and the Metropolitan Board of Works. [An hon. MEMBER: Not against you.] As there appeared to be two counts, he would divide his answer into two parts; first, with regard to what had been called the encroachment; and, secondly, with respect to the meaning of the Resolution proposed in 1870 by his hon. Friend (Mr. W. H. Smith). This was the first time he had heard of encroachment upon lands which belonged to one, or had been entrusted to one, by Parliament. He held in his hand an Act of Parliament, the 25th clause of which said that all land to be reclaimed from the river within certain specified boundaries, and not required for streets or roads, should be kept as an open space for the benefit of the inhabitants of the metropolis. That land was to the east, near Lord Salisbury's and the Metropolitan Railway, and the whole of it had been laid out in gardens in accordance with the Act. But there was a different portion of land which, by Clause 32, the Metropolitan Board were empowered to let or sell, and that was the part near Cannon Row. The Metropolitan Board, therefore, were only doing their duty to the ratepayers in selling it to the person who offered the best price. With regard to the Resolution of 1870, he contended that the test of its meaning was to be found in



the Resolution drawn up by the late Prime Minister for the appointment of the Select Committee which sat the following year, and of which the right hon. Gentleman the Member for the University of London (Mr. Lowe), the noble Lord the Postmaster General (Lord John Manners), his hon. Friend the Member for Cambridge University (Mr. Beresford Hope), and his hon. Friend the Member for Westminster (Mr. W. H. Smith) were Members. The Resolution was that—

“a Select Committee be appointed to inquire and report whether, having regard to the various rights and interests involved, it is expedient that the land reclaimed from the Thames, and lying between Whitehall Gardens and Whitehall Place should, in whole or in part, be appropriated for the advantage of the inhabitants of the Metropolis, and, in such case, in what manner such appropriation should be effected.”

And the Committee decided—

“That the land belonging to the Crown, and defined on the plan accompanying the Report, should be so appropriated.”

The exact space was accordingly specified on a plan which was printed along with the Report of the Committee, and how the hon. and gallant Member, with that plan in his hand, could fancy the land now in question had anything to do with the other land he could not conceive. He appealed to his hon. Friend the Member for Cambridge University (Mr. Beresford Hope) to say whether the Report had anything to do with the land near Cannon Row. This land was originally divided into two parts, and in November, 1873, tenders were invited. Only one was received, which was declined, because it did not come up to the price their land was thought worth. The architect was next directed to negotiate with several gentlemen who had privately signified their desire to become purchasers. None of them came up to the price. Again, in October, 1874, other tenders were invited, and one, that of Mr. Bulmer, for £3,000 was accepted, the valuation of the architect having been considerably below that sum. The Metropolitan Board of Works, therefore, had made a good bargain for the ratepayers. After a while Mr. Bulmer came and asked to transfer his rights to Mr. Mapleson. They made Mr. Bulmer complete his contract, and allowed him to hand it over to Mr. Mapleson. As Chairman of the Board, he was not bound to know

what transactions had been entered into; their business was to let the land in the best way possible, and at the highest value, and then their duty was completed. The hon. and gallant Member had just now said that “poor unfortunate Mr. Mapleson” was not allowed to have his own architect and his own contractor. He must give the most direct and unqualified denial to every word of that statement. There was not a shadow of foundation for either of those statements. The facts were these—When Mr. Mapleson got the land, a certain number of architects thought proper to tender. Mr. Fowler sent in a tender under an “initial;” two plans were selected, one happened to be Mr. Fowler’s and another that of Mr. Phipps—one being a member of the Board and the other a friend of his (Sir James Hogg’s) own. Mr. Fowler did not know that he had been selected as architect till he read the announcement in *The Times* next morning at breakfast, the letter intimating the fact to him having been sent to his office. He (Sir James Hogg) had that statement from Mr. Fowler himself, and it would have been a great deal better if the hon. and gallant Member had informed himself a little more of the true facts before he came there and attacked an honourable body of gentlemen like the Metropolitan Board of Works.

COLONEL BERESFORD rose to Order. He must tell his hon. and gallant Friend that he did not make statements that were not true. His authority was that of Mr. Mapleson himself.

SIR JAMES HOGG said, he did not care who stated it. Whether it was Mr. Mapleson or anybody else, he gave it the most direct contradiction. There was not a shadow of truth in the statement. Then, as to Mr. Webster, the Metropolitan Board had no contractors. Their usual course was to issue specifications; tenders were sent in, and the lowest tender was always accepted if it were that of a fit and proper person. Mr. Webster had done several works for the Metropolitan Board remarkably well, but there was not a shadow of truth in the statement that he had been thrust down the throat of Mr. Mapleson. With reference to the Lord Chamberlain not giving a licence if there was not a roadway on either side of the theatre, he believed licences had been given very often

*Sir James Hogg*

where there were not roadways on both sides. And with reference to the advance, the Board thought they had made a very good bargain. Mr. Mapleson first offered two roads of 15 feet, but the Board required that they should be 20 feet wide. Looking at it with an unprejudiced eye, he thought the building would be much more handsome by being projected a certain distance on the roadway than if it were erected with its side to the Embankment. With regard to the measurement he had already given it to the hon. and gallant Gentleman on two previous occasions. He had the whole area measured twice over. The entire area was 62,467 square feet. The area of garden ground was 22,892 square feet, leaving building ground 39,575 square feet. In consideration of his being allowed to come beyond the line Mr. Mapleson had given up for two roadways of 20 feet wide, an area of 11,960 feet, and for approaches 2,175 feet, which made 14,135 feet surrendered. He acquired 12,139 feet by advancing the line of building, but he had surrendered 14,135 feet, leaving an area of 1,996 feet less than he had originally bargained for. But what did the House think was the amount of the encroachment? There were seven acres of pleasure ground on the Embankment for the public, and what had been taken was 2,644 feet, or about the sixteenth of an acre. He had now endeavoured to answer the accusations of his hon. and gallant Friend against the Metropolitan Board. His hon. and gallant Friend had said something about the Temple, but the Benchers had behaved very handsomely; they did not ask anything for compensation, but simply that the land should be given up to them with the understanding that no building should be put upon it, which, in fact, could not be allowed without the sanction of Parliament. He trusted the House would reject the Motion by a large majority, and thus show its approval of what had been done by the Board of Works.

MR. LOCKE said, that as a Member of the Committee, he believed the line beyond which new buildings should not be erected along the Thames Embankment had been infringed, and the simple question was whether the Metropolitan Board of Works had sanctioned the building of this theatre upon land which had been redeemed from the river? If

that were so, it was entirely illegal for the Metropolitan Board of Works to have taken that course. Having regard to the line of frontage laid down by the Committee, it was obvious to him that the Opera House could not be legally erected on the proposed site unless an Act of Parliament were obtained, as in the case of the Temple. The hon. and gallant Gentleman the Chairman of the Metropolitan Board of Works had been unfortunate in his allusion to what had taken place with respect to the Temple, for in that instance the Society, wishing to erect a line of houses at the bottom of Middle Temple Lane, found they could not do so without building on land reclaimed from the river. They did not act contrary to the law, but went to the Board of Works, and ascertained that they must obtain an Act of Parliament. That measure had now been passed, or was about to pass into law. He was sure the Government would do what was right in this matter, and would not support the Board of Works if that body had transgressed the law.

MR. BERSFORD HOPE said, he had also been a Member of the Committee of 1871, and had taken part in the debate and the division which resulted in the Resolution of 1870, and all the reference to it in this debate was mere rubbish, as it had nothing to do with the site of the Opera House, but merely settled a controversy with reference to the plot of ground lying between the South Eastern Railway and the gardens of Whitehall Place. Everybody thought that the Metropolitan Board of Works had an equitable right to the use of the land which it had reclaimed, in order that it might dedicate it to the service of the public as a recreation ground; but the Government of the day being in a frugal mood, the Select Committee was appointed, the result being an equitable compromise, by which the land lately thrown open to the public as a garden was surrendered for a nominal rent to the Board. The question at present before the House was, originally, whether the use proposed to be made of this wholly different piece of ground was legal or illegal within the four corners of the Act of 1872. As the hon. and learned Member for Southwark (Mr. Locke) had not ventured to interpret the Act, it was fair to infer that it would not be of much use to him; but if anybody could

prove that the Chairman of the Metropolitan Board of Works had contravened the statute, the Courts of Law were open. For his own part, he did not look upon the House of Commons as either a Court of Error to review the Metropolitan Board, or as a standing audit or statutory critic with regard to it. At this time, however, the matter had ceased to be a question of right or wrong, and was removed into the category of artistic questions; and from that point of view there was no case. No one had fought more than he had for open spaces; but the bit of ground which was given up by permitting the advance of the life of buildings was hardly big enough for the hon. Member for Greenwich (Mr. Boord) and the hon. and gallant Member for Southwark to play leap frog. It was separate from the other gardens, and was not worth making a garden of. The time to have raised the question of the line of frontage was before St. Stephen's Club was built. Next to it were lofty buildings which presented hideous back fronts to the Embankment, and, as it was fair to assume that the Opera House, which was to be erected by an architect of eminence, would have pretensions to architectural decoration, he trusted it would hide the unadorned backs, and so redeem the frontage to the Embankment. If there were to be any buildings at all in Bridge Street, their rear must be marked towards the river. An Opera House was a place of recreation for people who liked music, and he implored the House not to make itself absurd by going into a petty question like this, of which the particulars were not before it, which it did not fairly understand, and with which it was in no way concerned. He hoped the hon. and gallant Member would withdraw his Motion.

Mr. W. H. SMITH said, if this had been a question whether a large area of land which had been reclaimed at the cost of the ratepayers should be retained as an open space, he should have gone cordially and heartily with the hon. and gallant Member for Southwark; but it appeared to him that this was simply a question whether a sufficient payment had been made, or whether the arrangement between Mr. Mapleson and the Board was altogether satisfactory; and, if that was the question, this House was

*Mr. Beresford Hope*

not the proper place to discuss it. Those who supported his Motion in 1871 would remember that the principle involved in it was, that it was not right that land which had been reclaimed from the river at the cost of the ratepayers should be appropriated by the Government of the day for Imperial purposes. In 1871 he contended that an open space which had been open from time immemorial, and which had been turned into dry land, should be converted into a place of recreation for the metropolis, at whose expense it had been reclaimed. He was supported by a great majority on that occasion. That was quite a different case from the present one. In 1871 the Government of the day proposed to take that land away from the metropolis; but his hon. and gallant Friend now sought to place a constraint on the metropolis in regard to the use of a few feet of that land. He was heartily in favour of preserving open spaces, if possible, for the recreation of the population of London, which was rapidly increasing; but in that particular instance, if the Metropolitan Board of Works had exceeded their powers, the proper place for deciding the question was a Court of Law—a tribunal to which all the parties concerned could go. He regretted that his hon. and gallant Friend had thought it right to bring that subject before the House; because if such comparatively minute matters were raised there from time to time, they rather lessened the opportunity afforded to hon. Members who wished to bring forward more important questions.

COLONEL BERESFORD said, his complaint was not about the Opera House about to be built, but that the Board of Works permitted an advance of 75 feet into the roadway. However, after the statement of the hon. Gentleman he would, with the leave of the House, withdraw the Motion. ["No, no!"]

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to*.

Main Question proposed, "That Mr. Speaker do now leave the Chair."

#### ENCLOSURE OF LANDS.

##### OBSERVATIONS.

Mr. GREGORY, in rising to call attention to the Reports of the En-



closure Commissioners; and to move—

"That, in the opinion of this House, it is expedient that the schemes of enclosure mentioned in such Reports should be proceeded with,"

said, there was before Parliament a Bill for improving the supply of the food of the people, and the subject to which he now called attention had an intimate connection with that measure. The question really was whether we were to enclose the waste lands of the country? According to the Report of a Commission, there were something like 1,000,000 acres of land in this country fit for enclosure and cultivation. In 1845 an Act was passed constituting the Enclosure Commission, a body to whom all applications for enclosures were to be addressed, and who decided upon the conditions. The Commissioners, from that date down to the year 1869, exercised their functions with satisfaction to the public and credit to themselves. During that period they sanctioned enclosures to the extent of something like 620,000 acres, which had been brought into cultivation; but, on the other hand, within 20 years, owing to the growth of towns and the extension of railways and other public works, there had been a decrease in the productive area of the country of about 700,000 acres. But for the operation of the Act of 1845, the country would have been deprived of a food-producing area to the extent of the 620,000 acres to which he had referred. In 1869 the operations of the Commissioners received a sudden check. Exception was then taken to their Reports in regard to two particular commons; one in the county of Somerset, the other in the county of Surrey. The hon. Member for Hackney (Mr. Fawcett) had, no doubt, done good by preventing certain enclosures to which public attention had been called; but he had carried his objections to the inclosure of commons, in some instances, almost to a Quixotic length. Objection, however, was taken in the two cases to which he had alluded, that the Commissioners had not allotted sufficient space for the recreation of the public, or for the labouring poor of the district. The Act of 1845 provided that where the parish had a population of 10,000, the area allotted for recreation should be 10 acres, and so on down to four acres for a population of 2,000. It also gave the Commissioners a discretion as to the

allotments to the labouring poor. Each case ought to depend on its own merits, and not be governed by a hard and fast rule. A Committee was appointed to consider the Reports of the Commissioners and their operations generally, and the consequence was, that the two enclosures to which he had adverted were specifically stopped, and certain others were allowed to go on. In 1871, a General Enclosure Bill was brought in, and an attempt was made to lay down certain rules and regulations under which enclosures should be made. It was referred to a Select Committee, and when it came out, it provided that allotments might be made for the poor to the extent of one-tenth of all commons enclosed. It also made provision as to places of recreation, but the Bill was not further proceeded with, and the matter remained in this unsatisfactory position to the present time. These unenclosed commons differed very much in character. Some were on mountainous land, and others on flat ground in the neighbourhood of towns. From the Report of the Commissioners, it appeared that there were ready no less than 34 schemes of enclosure, embracing 83,000 acres, and that many of these schemes had waited five or six years for the sanction of Parliament. The Commissioners stated, moreover, as he had before observed, that there was something like 1,000,000 of acres in this country, at present unused, which might be turned to profitable purposes of agriculture. It seemed they were now discouraging applications for enclosure—and well they might, considering the discouragement which had been received from Parliament. He did not say that these schemes ought to be approved. All that he asked was that each of the 34 schemes should be considered individually, and that they should not lay down a hard-and-fast line that there should be no more enclosures. Let there be allotments for the labouring poor, and also for recreation; and he was quite sure that the lords of the manor were anxious that there should be reasonable provision in that way. He must say that he was astonished when Gentlemen who professed to be social reformers set themselves against further enclosures of commons, which might be made available for the production of food for the people. Take one case in point, which was reported upon by the

Commissioners—namely, that of Rinell, in the fertile vale of York—where there was a common of 1,200 acres that might be beneficially enclosed for the production of food. He remembered that Swaffham Heath, a number of years ago, was a coursing ground, and that he had shot over it. He saw it lately covered with corn; so that a tract of waste ground, that was thronged with hares and rabbits, was now converted into fruitful fields. In conclusion, the hon. Member expressed a hope that Government would next Session propose some scheme which would have the effect of giving to the population the benefit of some portion of the 1,000,000 acres which were now lying waste. He begged to move the Resolution of which he had given Notice.

MR. SPEAKER told the hon. Gentleman that, by the Forms of the House, his Amendment could not put.

MR. WALSH regretted that the Committee which sat in 1869 had their inquiries limited to only one portion of the subject—that was, the quantity of enclosed land which had been given to the labouring poor. He had long been of opinion that a full inquiry into the operation of the Enclosure Act of 1846 would be most useful. The commoners had more interest in this matter than even the lords of the manors. There was no doubt there were two different sorts of enclosures—one of which was suburban, and the other consisting of large tracts of land in the North of England and in South Wales. He believed that in that part of the country which he represented (Radnorshire), the commoners were to a man in favour of enclosure. Indeed, the general feeling in South Wales was favourable to the enclosure of these extensive waste lands. Much local crime resulted from them. They encouraged sheep stealing, from the difficulty of tracing the offenders; and the disputes to which they gave rise led to bad feeling, and caused many aggravated assaults. As the waste lands had become enclosed, crime had greatly diminished. There were no people so much interested in these enclosures as the small freeholder. He had rights in common with the large farmers, but the law of the strongest prevailed, and he was at their mercy. The large farmers kept three or four "fighting shepherds," who drove off the sheep of the small

freeholders. Diseases among sheep also were often spread in consequence of the sheep of so many different persons being turned out upon one large common. At the last General Election he owed his seat to the interest taken in this subject more than to anything else, for the small freeholders voted for him against the late Government, who had stopped these enclosures. Although, by the Forms of the House, the Amendment could not be put, he trusted that the Home Secretary would hold out the hope that the Government would early next Session deal with a subject of such great importance.

MR. SANDFORD said, that the Select Committee of 1869 made many important recommendations, the last but not least of which was that further enclosures should be suspended until the Act had been passed to give effect to their views. They also pointed out that Enclosure Bills required the constant attention of the House. It appeared that out of 368,000 acres of land enclosed only 2,223 acres had been allotted to the poor, and not more than 1,742 for recreation grounds; so that enclosures had not greatly ameliorated the condition or promoted the comfort of the poor. There were reasons why the principle of the Enclosure Act should now be re-considered for the present circumstances were very different. In 1845 the protective system existed, and the Legislature believed that it was for the public interest to promote the enclosure of land for the food supply of the people. We now drew upon other countries for our supplies, and the health and recreation of the public might receive a large amount of consideration.

MR. KNATCHBULL - HUGESSEN said, that, in considering the question of enclosures there were two opposite interests which required to be dealt with with the greatest delicacy, these were the interests of the public and the interests of proprietors, and no doubt a great deal of land had been enclosed by which the public had benefited, while much had been enclosed without proper consideration for the interests of the public, as opposed to those who claimed to have proprietary rights. The Select Committee of 1868 found that the public interests had not been fully considered, and upon the whole he thought that they were amply justified in recommending that further enclosures should not

be carried on until the whole system of enclosure law had been re-considered, and some broad line had been laid down upon which enclosures should be effected. The outcome of the feeling which prevailed upon the subject was that Committees had recommended that it was desirable no further enclosure should be sanctioned until the general law had been fully considered. He hoped his right hon. Friend the Home Secretary would give the House an assurance that an opportunity would be afforded them of fully considering that general law. The question was one of enormous interest to the public, and if Her Majesty's Government undertook to deal with it they would, he believed, receive support at both sides of the House. At the hands of his right hon. Friend he had no doubt the subject would be dealt with in a large and comprehensive manner; and if his right hon. Friend applied to the question that broadness of principle which had been brought to bear upon other questions, he was certain that when a General Enclosure Bill was brought forward the House would have reason to be satisfied with the measure.

SIR WALTER BARTTELOT said, he was surprised at the speech of the right hon. Gentleman the Member for Sandwich, when he recalled that although that right hon. Gentleman, when Under Secretary for the Home Department, had had ample opportunity of carrying out the recommendations of the Select Committee, he had, nevertheless, failed to do so, from not having, as he (Sir Walter Barttelot) thought the courage of his opinions. [Mr. KNATCHBULL-HUGESSEN: No.] Yes. The right hon. Gentleman, in the nature of his office, must necessarily have had the Enclosure Bills brought before him. He believed the right hon. Gentleman had considered the subject, and had not arrived at a just or right conclusion with respect to it. At any rate, the Government of which he was a Member had an opportunity of dealing with the question, and had signally failed to do so. They were, in fact, afraid to undertake the task, because of the opposition of the hon. Member for Hackney (Mr. Fawcett), then Member for Brighton. The hon. Member opposite (Mr. Shaw Lefevre), who succeeded the right hon. Gentleman at the Home Office, also

feared to grapple with it. What were the facts? The Committee to which reference had been made, as a fair compromise, recommended that, in most cases, one-tenth of the enclosed land should, on the whole, be the proportion reserved for the poor—a large and liberal allowance, in his opinion. Why, then, was not a Bill brought in by the late Government? The reason was because great opposition to the measure came from below the Gangway, and up to the present moment nothing had been done, though the hon. and learned Member for the City of Oxford (Sir William Harcourt) was of opinion, at the time, that the Report of the Committee was a very fair and satisfactory one. There was the framework for a satisfactory measure, and he commended it to the consideration of his right hon. Friend the Home Secretary. The right hon. Gentleman (Mr. Knatchbull-Hugessen) had spoken of a right which he said the public had in these enclosures, but he had not told the House what that right was. The right hon. Gentleman was a large owner of property, and he (Sir Walter Barttelot) wished that he would get up and explain what right the public had in these enclosures. He did not deny that there was a moral obligation on the part of the owners to do something in favour of the public, and he, for one, was prepared to fulfil that obligation; but he wished to have the right of the public in these waste lands more clearly defined, and that was a matter which, as he had said, the right hon. Gentleman had never taken the trouble to explain. What he wished to point out was, that where the authorities of large towns were anxious to obtain possession of these unenclosed lands, they might have them by paying a fair and moderate price for them, and the whole difficulty would then be got rid of. [Mr. KNATCHBULL-HUGESSEN: Pay whom?] Why, pay those to whom the land belonged—the lord of the manor and the commoners, without whose assent the enclosure could not be made, and who, he was sure, would make a considerable sacrifice in favour of the public. He was quite ready to admit that there was a great difference between the case of commons in the neighbourhood of the great circles of industry and the case of those which lay in the open country; but still, if there was a



piece of vacant land in any of those towns, the property of the corporation or of an individual, they, or he, got the best price they could for it as building ground, and he did not see why they should not be made to pay for those rights which they wished to obtain over open and unenclosed lands beyond the borough boundary. Then there was ample protection in the fact that two-thirds of the commoners, with the lord of the manor, must give their assent before land could be enclosed. With respect to commons not situated near large towns, the right hon. Gentleman would not say that such commons ought not to be enclosed. [Mr. KNATCHBULL-HUGHES observed that he had said that in certain localities they ought to be enclosed.] All he advocated was the system recommended by the Committee, and on which the Bill was founded. There were many enclosures which would be of great advantage to different towns, and it was an unfair thing, where they would be of advantage to a district, to say they should not be enclosed. In many cases it would be for the interest of towns, and of all parties concerned, that the arrangements which had been recommended, and for which provisional orders had been granted, should be carried out.

MR. SHAW LEFEVRE said, that in the Committee to which reference had been made, very little assistance was received from the hon. Baronet opposite (Sir Walter Barttelot), and it was owing to him and some other hon. Members who acted with him, that the proceedings were delayed so long that the Bill could not be proceeded with. In the following Session the same Bill was introduced by Lord Kimberley in the other House, and rejected on the third reading by the Conservative Party. The hon. and gallant Baronet, therefore, was not justified in saying that the late Government had not courage to carry out their own views, and signally failed in carrying their Bill. The hon. and gallant Baronet had spoken of that Bill as a very fair one. He was glad to hear him say so, but it was certainly the first time that he had done so. It proposed to deal differently with commons in the neighbourhood of large towns and those in rural districts. It was intended that the Metropolitan Commons Act should be extended to the case of

other commons in the neighbourhood of large towns, and provision was made for the maintenance of such commons and the prevention of nuisances; and it was framed upon the idea that enclosure should not take place without the assent of Parliament. With regard to rural districts, where commons should in future be enclosed, it was proposed that a very much larger proportion should in future be devoted to recreative grounds and garden allotments. Many commons had been enclosed where enclosure was not justified, on the ground of benefit or convenience to the poorer classes, or in the interest of agriculture, but simply for the purpose of adding to gentlemen's parks and preserves, and therefore the Committee held that every case of enclosure ought to be inquired into by a Parliamentary Committee, even after it had been approved of by the Enclosure Commissioners. The only question now before the House was, whether they should recommend the Government that the schemes presented by the Enclosure Commissioners should be at once confirmed without waiting for a General Enclosure Act. He thought it would be unwise on the part of the Government to take any such step. Their wisest course would be to bring in a Bill to amend that Act, and if it was founded on a sound policy, he had no doubt it would meet with the approval of the House. He thought the hon. Member for East Sussex had exaggerated the amount of land which could be advantageously dealt with under a General Enclosure Bill, and that it did not amount to 1,000,000 acres.

MR. GREGORY explained that the Commissioners in their Report stated that more than 1,000,000 of acres were available.

MR. PELL said, that the most startling and incorrect statements were made with regard to the commons. These enclosures were facilitated and encouraged not by the great landowners, but by small common-holders. The public, in the sense in which it was used by hon. Gentlemen opposite, had very little right upon these commons. They had a right of crossing them, and in the case of commons near large towns, they might have acquired rights through small commoners not being able to maintain their rights. In such cases compensation ought to be paid to the small commoners.

*Sir Walter Barttelot*

Nothing could be more unjust than to deprive owners, large or small, of their interest in commons out of consideration for assumed rights of the public.

MR. KINNAIRD referred to the late decision of the Master of the Rolls with reference to Epping Forest, as a proof that many large landowners were disposed to make unjust enclosures of commons. Every large town ought to have secured a good piece of common land for the use of its inhabitants, and in every city there ought to be a watchman to give warning of encroachments such as these which the hon. and gallant Member for West Sussex and his Friends seemed desirous of having the power to make.

LORD HENRY SCOTT said, he should not like to see every acre of land enclosed, whether for the purpose of adding to already large estates or with a view to cultivation. Due regard ought to be paid to the agricultural poor in the neighbourhood of commons, and enclosures should be jealously watched so that the interests of these poor people should be protected. If there was anything that added to the beauty of a country, it was the commons; and the commons of England were amongst its greatest ornaments.

MR. ASSHETON CROSS hoped the House would not accuse him of any want of disrespect if he declined to connect himself or the Government to any particular course of action with regard to this matter. He was bound, however, to say that the Government were quite prepared to accept the legacy left them by their predecessors. For the purpose of testing the view of the House, he had advised the Government that a measure should be introduced, treating simply of matters to which there was no objection; but when he found that the feeling of the House was that the question should be dealt with in a more comprehensive spirit, he did not think it right to press the Bill. He hoped, however, before long to introduce a Bill which would in most respects carry out the views of the Enclosure Commissioners. He regretted that the Government had not been able this year to take up the matter. It was very pressing, and had engaged a large share of his attention, but, as he had said, he hoped before very long to remedy the evil. But the question was one which, when it came to be dealt

with, would have to be dealt with upon broad principles. There was not the slightest doubt that enclosures would go on, if anyone chose to enclose. There was no reason why commoners and lords of the manor should not introduce Bills to enclose their commons if they saw fit to do so. The only effect which the existence of the Enclosure Commissioners had was to provide machinery by which the enclosures could be made at a cheaper rate. The law of the case was this—It was able to protect everyone in the possession of his own rights, whatever they were. Well, so long as people were content with their own rights the law would not interfere; but it was only when they claimed something else that Parliament had the right to interfere, and impose its own conditions. As to the food question, there were, no doubt, waste lands capable of producing more than they did at present, and legislation might effect something in this respect. The reports of the Enclosure Commissioners did not always afford ground for a satisfactory conclusion, and he thought it was a great hardship that the Minister who happened to be in office at the time should be compelled, simply on the recommendation of the Enclosure Commissioners, to take up Bills and push them through Parliament. He thought the Minister ought to be allowed to exercise his own judgment, and ought not to be dependent upon the *ipse dixit* of the Commissioners as to what was or was not for the interests of the public. The result of all the schemes passed since 1869 was as yet very small, and he cordially agreed with hon. Members that it was a matter which ought to be dealt with, and he would do so at the earliest possible moment.

MR. FAWCETT considered the statement of the Home Secretary a most satisfactory one, and he hoped he would next year be able to introduce a comprehensive Bill. He was glad that the right hon. Gentleman practically recognized the changed position of the country since the passing of the Enclosure Act in 1843, the importance of preserving open spaces for the health of our rapidly-increasing population, and the duty of placing obstacles in the way of enclosure and making those who demanded it prove their case. The information hitherto afforded by the Commissioners was insufficient to enable the

Government and the House to form a judgment upon any particular case; but that was due to the strictly administrative character of the functions assigned to the Commissioners. The Home Secretary had invited lords of manors to enclose by means of private Bills; but the enclosures that were made by private Bills before 1843 were not carried out in such a way as to warrant a recurrence to that practice. He remembered a case in which it was proposed to enclose a common of 1,960 acres, and the Commissioners thought two acres of allotments and one acre of recreation ground sufficiently represented the rights of the public and the interests of the poor. He might quote numberless cases of the same kind. The last attempt to effect an enclosure by a private bill reached its third reading, but was then rejected, and in that it was proposed to enclose 6,900 acres, and out of that quantity of land only to allow five acres as recreation ground, and one acre as allotment gardens. The late Duke of Newcastle once said that 1,000,000 acres of common land had been enclosed before the Enclosure Act of 1843, and after a searching inquiry he had arrived at the conclusion that, without a single exception, no enclosure had taken place without great injury to the public, and that the interests of the poor were systematically ignored. Whether enclosures were attempted to be carried out by private or by public Acts, he believed the general feeling of the House to be that the principle laid down by a Select Committee would equally apply, namely—That it was inexpedient to sanction any further enclosures until the Enclosure Act had been amended. However powerful a Government might be, it would find it difficult to pass an Enclosure Act through the House unless it recognized the right of the public in the matter. There was a strong feeling throughout the country amongst men of every political party that these open spaces should be preserved.

SIR THOMAS ACLAND said, he deprecated statements and discussions which were calculated to suggest the idea that large tracts of land were likely to be obtained for profitable cultivation by enclosures of wastes and commons. He had also to complain of the exaggerated statements frequently put forward with respect to enclosure schemes on the one

side or the other, and in which they were held up as a great hardship upon the poor. One thing was certain that the persons who were desirous to have those waste lands enclosed would give any amount of land necessary for garden and recreation grounds for the poor.

MR. ASSHETON CROSS wished to explain that he did not use the expression attributed to him by the hon. Member for Hackney, that he would early next Session bring in a Bill upon the subject. What he had said was, that it was a matter pressing for consideration, and that it should receive it.

#### METROPOLITAN POLICE CELLS.

##### OBSERVATIONS.

SIR WILLIAM FRASER called attention to the system of primary detention in the Metropolitan Police District, to the condition of the police cells, and the cells attached to the Courts of the stipendiary magistrates. Great alteration had been made of late years, he observed, in the condition of the convicted prisoners, but there had been no amelioration of the condition of those who were still assumed to be innocent. In 1873 73,857 persons were apprehended by the police in the London district, showing the necessity for considering the state and condition of the cells in which persons were often confined from 16 to 36 hours before the charges against them could be heard and disposed of. The cells, as a rule, were very well kept and ventilated, but he thought the drunkards' cell could be improved by putting a ledge on which to rest the head, instead of having to lie with the head on the floor, and he suggested that their number should be increased. The question of bail also was one that required consideration with a view to its enlargement. He was glad to find that assaults had greatly diminished which the Inspectors of police attributed to drunkenness from drinking the deleterious compounds that were formerly sold for spirits. Since the power of analyzation under the Licensing Act, from the sale of purer articles, these offences had very much diminished. He suggested that at Bow Street, where the cells were numerous, and not used, one should be fitted up as a medical cell, for the use of the medical



officer. The cells connected with the police courts were very small and insufficient in number, and prisoners of all grades and ages were crowded into them until their cases came to be heard. There was another question as regarded the police which merited serious consideration. For a body of men numbering 10,000 it seemed to him that a Commissioner and two assistant Commissioners were quite inadequate. An army of 10,000 men in battalions of 1,000 would have at least 300 regimental officers, besides an efficient staff. Of late years there had been an appalling amount of undetected crime, and he maintained that in the police there ought to be a larger number of educated men of high character and position, and if that were the case there would be a vast difference in the amount of undetected crime.

SIR HENRY SELWIN-IBBETSON thought that a great deal of obloquy had been thrown upon a large body of painstaking public servants. In 1873 a Committee of the Social Science Association went round the police cells of London and made a report upon them, in which they said that they did not require material alteration. Since that time considerable improvement had taken place in those cells. In June of this year some gentlemen connected with *The Lancet* visited the police cells in the metropolis and reported even more strongly in favour of the condition in which they found them. When the hon. and gallant Baronet gave Notice of his Question, he made a point himself of visiting these cells without any previous notice to the police authorities, and he could state that the praise given to them by the hon. and gallant Baronet was fully deserved. With regard to the police courts, he could not go so far as he did in saying that a large number of them were not sufficiently supplied with cells, because in the beginning of this year the Secretary of State ordered an inquiry to be made upon them by Dr. Bristowe, and he reported that, whilst with respect to three of them—Westminster, Bow Street, and Clerkenwell—much improvement was needed, the other 10 were sufficient for the number of prisoners confined in them.

Notice taken, that 40 Members were not present; House counted, and 40 Members being found present,

SIR HENRY SELWIN-IBBETSON resumed: He could find no ground for just complaint. The rules laid down were implicitly adhered to, and formed a sufficient safeguard against abuse. In case of necessity medical advice was always taken. If the hon. and gallant Baronet could point out any serious grievance connected with the detention of prisoners, he might rely that it would have the immediate consideration of the Home Office.

DOMINION OF CANADA—PRINCE  
EDWARD ISLAND.—THE LAND  
PURCHASE ACT, 1875.—OBSERVATIONS.

SIR GRAHAM MONTGOMERY, in rising to call the attention of the House to "The Land Purchase Act, 1875," of the Local Government of Prince Edward's Island; and to move an Address for Copy or Extracts of Correspondence between the Secretary of State for the Colonies and the Lieutenant Governor of Prince Edward's Island and the Governor General of Canada, relating to the land question in that island, since the 25th day of July 1864, said: I am sorry at so late an hour to trouble the House with this matter relating to Prince Edward's Island; but the Land Purchase Act of that colony is of so extraordinary a character, I think it should not be passed over without being noticed in Parliament. By the terms of this Act, every proprietor owning more than 40 acres of land, is compelled to sell his property by arbitration to the Island Government. There is no option given, and every owner of township lands, when notified so to do, must proceed to have his interest in land valued. This may not be thought a great hardship to those proprietors who are absentees; but many proprietors live upon their estates, do a great deal for them, and their case is one of great hardship indeed. The object of this remarkable measure is, of course, that the tenantry may, by purchase from the Government, become owners of the freehold of their farms. I apprehend there are tenants in an island nearer home than Prince Edward's Island who would not object to similar legislation in their case, and would like well enough to purchase out by compulsion their landlords, and I cannot but feel that this Act is setting a most dangerous prece-

dent, and therefore I have felt it my duty to call the attention of the House to its provisions. In my opinion, there was no occasion for this compulsion. By Returns laid before this House, I find that from 1861 to 1871 the Government of Prince Edward's Island has spent £106,144 in purchasing the estates of proprietors, and I believe there are now only about 400,000 acres of land in the Island still unsold to the Government. It is my confident belief the Government would, in the course of a few years, have got possession of all this land, and that this extraordinary legislation is quite uncalled-for. The Preamble of the Act recites that the Government of Prince Edward's Island is to receive \$800,000 from the Dominion of Canada under the terms on which the Island became confederated, for the purpose of buying up the township lands of the proprietors, and re-selling them to the tenantry, and three Commissioners are to be appointed—one by the Island Government, one by the proprietors, and one by the Governor General of Canada—and here let me say with how much satisfaction the proprietors have seen that the Governor General of Canada has made choice of the right hon. Gentleman the Member for Pontefract as the Commissioner to represent him. The proprietors will feel that their interests are safer in his hands, and had things rested here—and it was understood these Commissioners were merely to assess the market value of the proprietors' lands—I should not have cared so much, but the numerous matters to be taken into consideration by the Commissioners in estimating the compensation to be paid are most extraordinary, and I do hope to hear from my hon. Friend the Under Secretary that, in the opinion of the Colonial Secretary, the Commissioners are not bound to give more effect to these con-

ditions than they think just. At this late hour, I will not go into the documentary history of this land question, or allude to the Royal Commission of 1860, that investigated this matter—I will merely say that, in times past, the Colonial Office stood nobly by the proprietors in their defence of their rights, and that it is a matter of great surprise to me that the Governor General of Canada should have thought fit to assent to an Act clogged with such absurd recommendations as a guidance to the Commissioners. I hope my hon. Friend will give the Papers I ask for.

MR. J. LOWTHER said, he thought his hon. Friend was fully justified in bringing the question before the House, and the Correspondence he asked for would be produced. He might, however, remind him that the Colonial Office gave up its power of allowing or disallowing Acts of the Assembly of Prince Edward's Island, when, it became a portion of the Dominion of Canada, and that power was transferred to the Governor General in Council. He admitted the extraordinary character of the Act, which would stagger those who read it for the first time. But the circumstances were peculiar. There were occupiers, having long leases, who objected to pay rent, a state of affairs which, he was afraid, was not confined to Prince Edward's Island. A still more objectionable Act was passed last year, but the Governor General disallowed it, in the adoption of which course he had the full support of the Secretary of State; and a more reasonable Bill had been introduced this year.

Notice taken that 40 Members were not present. House counted, and 40 Members not being present,

House adjourned at a quarter after One o'clock, till Monday next.

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## TO

### HANSARD'S PARLIAMENTARY DEBATES,

### VOLUME CCXXV.

FOURTH VOLUME OF SESSION 1875.

#### EXPLANATION OF THE ABBREVIATIONS.

In Bills, Read 1<sup>o</sup>, 2<sup>o</sup>, 3<sup>o</sup>, or 1<sup>a</sup>, 2<sup>a</sup>, 3<sup>a</sup>, Read the First, Second, or Third Time.—In Speeches, 1R., 2R., 3R., Speech delivered on the First, Second, or Third Reading.—*Amendt.*, Amendment.—*Res.*, Resolution.—*Comm.*, Committee.—*Re-Comm.*, Re-Committal.—*Rep.*, Report.—*Consid.*, Consideration.—*Adj.*, Adjournment or Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negated.—*M. Q.*, Main Question.—*O. Q.*, Original Question.—*O. M.*, Original Motion.—*P. Q.*, Previous Question.—*R. P.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st. Div.*, *2nd. Div.*, First or Second Division.—*l.*, Lords.—*c.*, Commons.

When in this Index a \* is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

When in the Text or in the Index a Speech is marked thus \*, it indicates that the Speech is reprinted from a Pamphlet or some authorized Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the speaker's private or official character, as the case may be.

Some subjects of debate have been classified under the following "General Headings:"—ARMY—NAVY—INDIA—IRELAND—SCOTLAND—PARLIAMENT—POOR LAW—POST OFFICE—METROPOLIS—CHURCH OF ENGLAND—EDUCATION—CRIMINAL LAW—LAW AND JUSTICE—TAXATION, under WAYS AND MEANS.

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**Agricultural Children Act**

Moved, "That an humble Address be presented to Her Majesty for, Copy of Correspondence between the Home Office and Justices of Quarter Sessions relative to the operation of the Agricultural Children Act; also for copies of Instructions issued to the Police of different counties with regard to enforcing the said Act" (*Earl De La Warr*) July 23, 1871; Address agreed to

**Agricultural Holdings (England) Bill**

(*Mr. Disraeli*)

c. Moved, "That the Bill be now read 2<sup>d</sup>" June 24, 450

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Main Question put, and agreed to; Bill read 2<sup>d</sup>

Committee<sup>s</sup>; Report June 25 [Bill 177]  
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Order for Committee (*on re-comm.*) read;

Moved, "That Mr. Speaker do now leave the Chair" July 19, 1668

Amendt. to leave out from "That," and add "instead of attempting to deal with all classes of agricultural improvements by optional provisions as in the present Bill, it would be more satisfactory to the Country to defer dealing with permanent improvements, and to provide at present that compensation for temporary improvements be imperative in all cases" (*Mr. James Barclay*) *v.*; after long debate, Question put, "That the words, &c.;" A. 303, N. 76; M. 227

Main Question proposed, "That Mr. Speaker, &c.;" after short debate, Moved, "That this House do now adjourn" (*Mr. Gourley*); after further short debate, Question put; A. 96, N. 255; M. 159

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Main Question, "That Mr. Speaker, &c.," put, and agreed to; Committee

Moved, "That the Chairman do report Progress, and ask leave to sit again" (*Mr. Disraeli*); Motion agreed to; Committee—*r.p.*

Committee—*r.p.* July 20, 1751

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Moved, "That the Chairman do report Progress, and ask leave to sit again" (*The Marquess of Hartington*); after short debate, Motion withdrawn; Committee—*r.p.*

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*The Somersetshire Militia—The Encampment at Leigh Hill*, Question, Mr. Neville-Grenville; Answer, Mr. Gathorne Hardy June 24, 1439

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**Army and Navy Expenditure (Audit)**

Question, Mr. J. Holms; Answer, Mr. W. H. Smith June 21, 249

Moved, "That, in the opinion of this House, in order to secure the due appropriation of the Army and Navy Expenditure to the purposes intended by Parliament, it is expedient that the system of independent audit which, since the passing of the Exchequer and Audit Departments Act, 1866, has been successfully applied to the Accounts of the annual Grants for the Miscellaneous Civil Services, should be extended, in its leading principles, to the Grants for Military and Naval Services" (*Mr. John Holms*) June 29, 746 [House counted out]

**Army—Curragh Camp—Case of Thomas Duffy**

Question, Mr. Meldon; Answer, Lord Eustace Cecil July 12, 1330

Moved, "That a Select Committee be appointed to inquire into the circumstances of the dismissal of Thomas Duffy, late Brigade Sutler, Curragh Camp, county of Kildare" (*Mr. Meldon*) July 6, 1030; after short debate, Question put; A. 33, N. 72; M. 39

**Army (India)—First Commissions—Competitive Examinations**

Moved, "That an humble Address be presented to Her Majesty for, Copies of any Correspondence now in the India Office between the Government of India and the India Office relating to the effects of competitive examination and the present system of education for first commissions and appointments in India" (*The Lord Strathnairn*) June 21, 247; after short debate, on Question, resolved in the negative

**Army—First Commissions in the Army**

Moved to resolve, That in the opinion of this House an inquiry ought to be instituted into the working and efficiency of the existing system under which candidates for first commissions in the Army are selected and appointed, with the view of ascertaining whether that system is calculated to insure the admission to the Army of those best qualified for the discharge of Military duties" (*The Lord Strathnairn*) July 23, 1877; after debate, Motion withdrawn

**Army—Medical Officers**

Amendt. on Committee of Supply July 16, To leave out from "That," and add "in the opinion of this House, the position of the Medical Officers of the Army with respect to

[cont.]

**Army—Medical Officers—cont.**

their honours, pay, and relative rank is not in a satisfactory state, and that a revision thereof is desirable" (*Dr. Lush*) v., 1617; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

**Army—The First Class Army Reserve**

Moved, "1. That it is inexpedient to continue the Cadre system until such time as the First Class Army Reserve has attained a considerably higher numerical strength.

2. That our military organization will not be complete until a method has been established for the annual training of the First Class Army Reserve.

3. That this House views with concern the recent changes about to come into force in the Regulations for maintaining the efficiency of the Militia force" (*The Earl of Galloway*) July 16, 1556; after debate, Motion withdrawn

**Artizans Dwellings Bill**

(*The Lord Steward*)

l. Read 3<sup>a</sup>, after short debate June 17, 78

(No. 134)

Royal Assent June 29 [38 & 39 *Vid.* c. 36]

**Artizans Dwellings (Scotland) Bill**

(*Mr. Secretary Cross, The Lord Advocate*)

c. Motion for Leave (*Mr. Ascheton Cross*) June 30, 769; Motion agreed to; Bill ordered; read 1<sup>o</sup> \*

Read 2<sup>o</sup> \* July 5

[Bill 229]

Committee \*; Report July 6

Read 3<sup>o</sup> \* July 7

l. Read 1<sup>o</sup> \* (*The Lord Steward*) July 8

Read 2<sup>a</sup> \* July 13

(No. 202)

Committee \* July 15

Report \* July 16

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Question, Mr. Eaton; Answer, Mr. Bourke  
July 9, 1246  
*Murder of Mr. Margary at Manwine*, Question,  
Lord Campbell; Answer, The Earl of  
Derby July 16, 1573  
[See title *India and China*—*The Opium*  
*Traffic*]

**CHURCHILL, Lord R.,** *Woodstock*  
Supply—Wales, Prince of—H.R.H.'s Visit to  
India, 1516

**Church Rates Abolition (Scotland) Bill**  
(*Mr. M'Laren, Dr. Cameron, Mr. Baxter, Mr.*  
*Trevelyan, Mr. Grieve, Mr. Laing, Sir George*  
*Balfour*)  
c. Bill withdrawn \* July 14 [Bill 26]

*City of London*—*The Needlemakers' Com-*  
*pany*  
Question, Mr. Rathbone; Answer, Mr. Am-  
bton Cross June 22, 293

**Civil Bill Courts (Ireland)**  
Observations, Mr. Meldon; Reply, The Soli-  
citor General for Ireland; short debate  
thereon July 2, 893

**Civil Service Commissioners—Appoint-**  
**ments by the Postmaster General**  
Question, Mr. Lowe; Answer, Mr. W. H.  
Smith July 15, 1481

**Civil Service Inquiry Commission—Co-**  
**operative Stores**  
Observations, Sir Thomas Chambers; Reply,  
The Chancellor of the Exchequer; short  
debate thereon July 2, 911

**Clerk of the Peace (County Palatine of**  
**Lancaster) Bill**  
(*Mr. Hardcastle, Mr. Holt, Mr. Clifton*)  
c. Ordered; read 1<sup>o</sup> \* July 14 [Bill 257]  
Bill withdrawn \* July 23

**CLEVELAND, Duke of**  
Pollution of Rivers, Comm. cl. 3, 771; cl. 4,  
778

**Coal Mines Regulation Act—The Gornal**  
**Wood Accident**  
Question, Mr. Sheridan; Answer, Mr. Am-  
bton Cross July 20, 1735

**COCHRANE, Mr. A. D. W. R. Baillie,**  
*Isle of Wight*  
Central Asia, Motion for Papers, 1034  
Naval College for Cadets—"Britannia" Com-  
mittee, Report of, Res. 882  
Turkey, State of—Treaty of Paris, 1856,  
Address for Papers, 193

**COLCHESTER, Lord**  
Metropolis Management Acts Amendment, 2R.  
423

**COLE, Mr. H. T.,** *Penryn, &c.*  
Criminal Law—Exeter Gaol, 1381  
Prisoners, Treatment of—Devonport Gaol,  
952  
Merchant Shipping Acts Amendment, Comm.  
cl. 14, 275, 276; cl. 17, 277  
Supply—County Prisons, Great Britain, 1023

**COLEBROOKE, Sir T. E.,** *Lanarkshire, N.*  
Agricultural Holdings (England), Comm. cl. 5,  
1854; cl. 6, 1918  
Endowed Schools and Hospitals (Scotland),  
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**COLERIDGE, Lord**  
Offences against the Person, Comm. cl. 3, 84



**COLLINS, Mr. E., Kinsale**

Merchant Shipping Acts Amendment, Comm.  
cl. 17, 278

**COLMAN, Mr. J. J., Norwich**

Corrupt Practices Act—Norwich Election, Ad-  
dress for a Royal Commission, 96

*Commercial Gas Bill (by Order)*

c. Moved, "That the Bill be now taken into  
Consideration" (*Mr. Samuda*) July 9, 1234 ;  
after short debate, Question put, and agreed  
to ; Bill, as amended, considered  
Standing Orders 224 and 248 suspended  
Bill read the third time, and passed

**Compensation for Accidents to Workmen  
Bill** (*Sir Edward Watkin, Mr. Kinnaird,  
Mr. Laverton*)

c. Bill withdrawn \* June 30 [Bill 186]

**CONOLLY, Mr. T., Donegal Co.**

County Boards (Ireland), 2R. 758  
Supply—Lord Lieutenant of Ireland, House-  
hold of, 931, 934  
Queen's and Lord Treasurer's Remem-  
brancer, Scotland, 922

**Conspiracy, and Protection of Property  
Bill** (*Mr. Secretary Cross, Mr. Attorney  
General, Sir Henry Selwin-Ibbetson*)

c. Observations, Mr. Assheton Cross June 22,  
290

Read 2<sup>o</sup> \* June 28 [Bill 204]

Committee—*a.r.* July 12, 1341

Committee ; Report July 16, 1579

Considered July 20, 1737 [Bill 260]

Read 3<sup>o</sup> \* July 23

l. Read 1<sup>a</sup> \* (*The Lord Chancellor*) July 23  
(No. 220)

**Consular Chaplains**

Amendt. on Committee of Supply July 9, To  
leave out from "That," and add "in the  
opinion of this House, the withdrawal of  
Government Grants in aid of the mainten-  
ance of Consular Chaplains under the provi-  
sions of the Act 6 Geo. 4, c. 87, is uncalled  
for and inexpedient, and should be recon-  
sidered by Her Majesty's Government" (*Mr.  
Heygate*) v., 1249 ; after debate, Amendt.  
negatived

**Contagious Diseases Acts Repeal Bill**

(*Sir Harcourt Johnstone, Mr. Stansfeld*)

c. Moved, "That the Bill be now read 2<sup>o</sup>"  
June 23, 331 [Bill 24]

Amendt. to leave out "now," and add "upon  
this day three months" (*Colonel Alexander*) ;  
after long debate, Question put, "That  
'now,' &c. ;" A. 126, N. 308 ; M. 182

Words added ; main Question, as amended,  
put, and agreed to ; 2R. put off for three  
months

**Contagious Diseases (Animals) Act, 1869,  
Amendment Bill**

(*The Lord Advocate, Mr. William Henry Smith*)

c. Ordered ; read 1<sup>o</sup> \* July 12 [Bill 250]

Read 2<sup>o</sup> \* July 15

Committee \* ; Report July 22

Considered \* July 23

**Contagious Diseases (Animals) Act—Vete-  
rinary Department of the Privy  
Council**

Question, Mr. Wilbraham Egerton ; Answer,  
Viscount Sandon July 1, 787

**CONYNGHAM, Lord F. N., Clare**

Turkey, State of—Treaty of Paris, 1856, Ad-  
dress for Papers, 196

**COOPE, Mr. O. E., Middlesex**

Canada, Dominion of—Board of Voluntary  
Schools, 1818

**Copyright of Designs Bill** [H.L.]

(*The Lord Chancellor*)

l. Presented ; read 1<sup>a</sup> \* July 19 (No. 211)

Read 2<sup>a</sup> \* July 20

Committee \* ; Report July 22

Read 3<sup>a</sup> \* July 23

**Corrupt Practices Prevention Act, 1854—  
Deakin's Indemnity**

Moved, "That leave be given to bring in a Bill  
to relieve James Henry Deakin, of Warring-  
ton Park, in the County of Cornwall, esquire,  
from any penal consequences, disability, or  
disqualification which he may have incurred  
under 'The Corrupt Practices Prevention  
Act, 1854'" (*Mr. Staveley Hill*) June 24,  
529

Moved, "That the Debate be now adjourned"  
(*Mr. Dodds*) [House counted out]

**COTTON, Mr. Alderman W. J. R., Lon-  
don**

Permissive Prohibitory Liquor, 2R. 57

Post Office—West India Mail, 255

**County Boards (Ireland) Bill**

(*Captain Nolan, Mr. Fay, Mr. O'Clery*)

c. Moved, "That the Bill be now read 2<sup>o</sup>"  
June 30, 746 [Bill 51]

Amendt. to leave out "now," and add "upon  
this day three months" (*Mr. Bruen*) ; after  
debate, Question put, "That 'now,' &c. ;"  
A. 125, N. 182 ; M. 57

Words added ; main Question, as amended,  
put, and agreed to ; 2R. put off for three  
months

**County Boards (Ireland) (No. 2) Bill**

(*Mr. O'Shaughnessy, Mr. Butt*)

c. Bill withdrawn \* June 30 [Bill 27]

**County Courts Bill [H.L.]**

(Mr. Attorney General)

- c. Committee \*; Report June 28 [Bills 156-225]  
 Committee \* (on re-comm.); Report July 12.  
 Considered \* July 13  
 Read 3<sup>o</sup> \* July 19

**County Surveyors Superannuation (Ireland) Bill** (Sir Colman O'Loughlen, Mr. William Johnston, Mr. Macartney)

- c. Deputy Surveyors, Question, Mr. McCarthy Downing; Answer, Sir Michael Hicks-Beach June 25, 551  
 Committee \*; Report July 15 [Bill 65]  
 Considered \* July 16  
 Read 3<sup>o</sup> \* July 20  
 l. Read 1<sup>a</sup> \* (Lord O'Hagan) July 22 (No. 219)

**Court of Admiralty (Ireland) Act (1867) Amendment Bill** (Mr. Murphy, Mr. James Corry, Mr. Downing, Mr. Johnston, Mr. Ronayne, Mr. MacCarthy)

- c. Bill withdrawn \* June 28 [Bill 200]

**CRIMINAL LAW****MISCELLANEOUS QUESTIONS**

- Case of John Slator (Dublin Assizes)*, Question, Mr. R. Power; Answer, Sir Michael Hicks-Beach July 1, 785  
*Case of Mary M'Mahon (Cork Assizes)*, Question, Mr. O'Shaughnessy; Answer, The Solicitor General for Ireland July 1, 783  
*Case of Samuel Dawson*, Question, Mr. Macdonald; Answer, Mr. Assheton Cross July 8, 1134  
*Exeter Gaol—Re-committals*, Question, Sir John Kennaway; Answer, Mr. H. S. Cole July 13, 1381  
*Sale of Catapults*, Question, Colonel Egerton Leigh; Answer, Mr. Assheton Cross July 2, 874  
*The Convict Arthur Orton*, Question, Mr. Whalley; Answer, Mr. Assheton Cross July 13, 1380  
*The Spalding Magistrates—Case of Sarah Chandler*, Questions, Mr. Ritchie, Sir Frederick Perkins; Answers, Mr. Assheton Cross July 13, 1379; Question, Major O'Gorman; Answer, Mr. Assheton Cross July 16, 1577; Question, Mr. R. Power; Answer, Mr. Assheton Cross July 19, 1656  
*Treatment of Naval Prisoners—Devonport Gaol*, Question, Mr. H. T. Cole; Answer, Mr. Hunt July 5, 952  
*Treatment of Convicts—Portland and Chatham*, Question, Mr. O'Connor Power; Answer, Mr. Assheton Cross June 21, 258; Question, Mr. O'Connor Power; Answer, Sir Henry Selwin-Ibbetson July 7, 1060

**CROSS, Right Hon. R. A. (Secretary of State for the Home Department), Lancashire, S.W.**

- Adulteration of Food Act—Milk, 1379  
 Artizans Dwellings (Scotland), Leave, 769  
 Coal Mines Regulation Act—Gornel Wood Accident, 1736

**CROSS, Right Hon. R. A.—cont.**

- Conspiracy, and Protection of Property, 290  
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Merchant Shipping Acts Amendment, Comm. cl. 8, Amendt. 133**DAVENPORT, Mr. W. BROMLEY-, Warwickshire, N.**

- Agricultural Holdings (England), Comm. 169, 1691  
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**DAVIES, Mr. D., Cardigan**

- Agricultural Holdings (England), 2R. 507  
 Science and Art Department (Dublin), R. 1405  
 Supply—Public Education, England and Wales, 846

**Dean Forest and Hundred of Saint Briavels Bill** (*Mr. William Henry Smith, Mr. Chancellor of the Exchequer*)

c. Bill withdrawn \* June 18 [Bill 78]

**DE LA WARR, Earl**

Agricultural Children Act, Address for Copy of Correspondence, 1871

**DENISON, Mr. C. BECKETT-, Yorkshire, W. R., E. Div.**

Wales, Prince of—H.R.H.'s Visit to India, 1154; Res. 1507

**Department of Science and Art Bill [H.L.]**  
(*The Lord Chancellor*)

l. Presented; read 1<sup>st</sup> July 23 (No. 221)

**DERBY, Earl of (Secretary of State for Foreign Affairs)**

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**DILKE, Sir C. W., Chelsea, &c.**

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**DILLWYN, Mr. L. L., Swansea**

Agricultural Holdings (England), Comm. cl. 5, 1760

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**DISRAELI, Right Hon. B., (First Lord of the Treasury), Buckinghamshire**

Agricultural Holdings (England), 2R. 450, 460, 512, 522; Comm. 1708, 1723; Motion for reporting Progress, 1724; cl. 3, 1753; cl. 5, 1759, 1761, 1835, 1839, 1845, 1850, 1853; cl. 6, 1857

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**DIXON, Mr. G., Birmingham**

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**DODDS, Mr. J., Stockton**

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Municipal Elections (Cumulative Vote), 2R. Amendt. 1430, 1449

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**DODSON, Right Hon. J. G., Chester**

Agricultural Holdings (England), Comm. 1722, 1723; cl. 3, 1754; cl. 5, 1760, 1843; cl. 6, 1916, 1917, 1921

Conspiracy, and Protection of Property, Comm. cl. 4, 1346, 1348; add. cl. 1581, 1585

Friendly Societies, Consid. cl. 12, 308; cl. 14, 309; cl. 28, 314

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**Dover Harbour**

Question, Observations, Earl Granville; Reply, The Duke of Richmond July 13, 1866

**Dover Pier and Harbour (re-committed) Bill**

(*Sir Charles Adderley, Mr. Cavendish Bentinck, Mr. William Henry Smith*)

c. Question, Mr. Freshfield; Answer, Sir Charles Adderley June 25, 549

Bill withdrawn \* June 23

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**DOWNING, Mr. M'Carthy, Cork Co.**

Agricultural Holdings (England), 2R. 491

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**Drainage and Improvement of Lands (Ireland) Provisional Order Bill [H.L.]***(The Lord President)*l. Read 2<sup>a</sup> \* June 17 (No. 188)  
Committee \*; Report June 29Read 3<sup>a</sup> \* July 1c. Read 1<sup>a</sup> \* (Sir Michael Hicks-Beach) July 2  
Read 2<sup>a</sup> \* July 5 [Bill 231]

Committee \*; Report July 14

Read 3<sup>a</sup> \* July 15

l. Royal Assent July 19 [38 &amp; 39 Vict. c. cix]

**Drainage and Improvement of Lands (Ireland) Provisional Orders Confirmation (Fourtowns, &c.) Bill [H.L.]***(The Lord President)*l. Presented; read 1<sup>a</sup> \*; and referred to the Examiners June 25 (No. 170)**Drugging of Animals Bill***(Sir John Astley, Mr. Chaplin, Mr. Rowland Winn)*c. Read 2<sup>a</sup> \* July 2 [Bill 184]

Committee \*; Report July 5 [Bill 235]

Committee \* (on re-comm.); Report July 12

**DUFF, Mr. M. E. Grant, Elgin, &c.**

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**DUFF, Mr. R. W., Banffshire**

Endowed Schools and Hospitals (Scotland), Report, 1267

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**DUNSANY, Lord**

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Navy—Naval Cadets—New Naval College, 540

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**DYOTT, Colonel R., Lichfield**

Agricultural Holdings (England), Comm. cl. 6, 1918

Militia Laws Consolidation and Amendment, Comm. cl. 27, Amendt. 1365; cl. 32, 1725

**EARP, Mr. T., Newark**

Municipal Elections (Cumulative Vote), 2R. 1440

**EATON, Mr. H. W., Coventry**

Chinese Legations in Europe—Mr. Margary, 1246

**Ecclesiastical Commissioners (For Chapels) Bill** *(Mr. Edward Stanhope, Mr. Spencer Walpole, Mr. Malcolm)*c. Committee \*; Report June 21 [Bill 173]  
Considered \* June 22Read 3<sup>a</sup> \* June 24l. Read 1<sup>a</sup> \* (The Lord Bishop of London) June 25 (No. 172)Read 2<sup>a</sup> \* July 5

Committee \* July 8 (No. 204)

Report \* July 12

Read 3<sup>a</sup> \* July 13**Ecclesiastical Fees Redistribution Bill** [H.L.] *(The Lord Archbishop of Canterbury)*l. Presented; read 1<sup>a</sup> \* June 18 (No. 161)Read 2<sup>a</sup>, after short debate June 25, 541

Committee July 2, 808 (No. 187)

Report \* July 6 (No. 201)

Read 3<sup>a</sup> \* July 8c. Read 1<sup>a</sup> \* July 14 [Bill 258]**EDUCATION****MISCELLANEOUS QUESTIONS****Education Department**

Bristol School Board, Question, Mr. Wait; Answer, Viscount Sandon July 20, 1735

Elementary School Teachers, Observations, Mr. Whitwell July 1, 792;—Pensions, Question, Mr. Fielden; Answer, Viscount Sandon July 6, 1000

Elementary Schools—Payment of Grants, Question, Lord Francis Hervey; Answer, Viscount Sandon July 20, 1734

Field Dalling School Board, Question, Mr. Dixon; Answer, Viscount Sandon July 8, 1134

Kidworth Endowed School, Question, Mr. A. M'Arthur; Answer, Viscount Sandon June 22, 293

The Pension Minute—Normal School Teachers, Question, Mr. J. G. Talbot; Answer, Viscount Sandon July 8, 1141;—Superannuation Allowances to Teachers, Question, Mr. Whitwell; Answer, Viscount Sandon July 18, 1577

Education—Physical Education in Public Elementary Schools, Observations, Mr. Butler-Johnstone July 1, 794

**Elementary Education Act (1870)**

Clause 74, Question, Observations, Lord Stanley of Alderley; Reply, The Duke of Richmond July 19, 1842

[cont.]

**EDUCATION—cont.**

*Religious Instruction*, Question, Observations, Mr. A. Mills; Reply, Viscount Sandon; short debate thereon July 1, 819

*School Boards*, Question, Lord Francis Hervey; Answer, Viscount Sandon July 12, 1328

*Schools in the Fen Districts*, Question, Mr. E. Stanhope; Answer, Viscount Sandon June 28, 649

[See title *Ireland—National Education*]

**EDWARDS, Mr. H., Weymouth**

Naval College for Cadets—"Britannia" Committee, Report of, Res. 876

Navy—Dartmouth, Naval College at, 1144

**EGERTON OF TATTON, Lord**

Sale of Food and Drugs, Report, Amendt. 944

**EGERTON, Hon. A. F. (Secretary to the Board of Admiralty), Lancashire, S.E.**

Navy, State of the—Iron-clad Ships, 1194

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**EGERTON, Hon. Wilbraham, Cheshire, Mid**

Agricultural Holdings (England), Comm. 1685; cl. 5, 1760, 1854, 1855; cl. 6, 1917

Contagious Diseases (Animals) Act—Veterinary Department of the Privy Council, 787

**ELCHO, Lord, Haddingtonshire**

Agricultural Holdings (England), Comm. 1696, 1699, 1718, 1721; cl. 5, 1852, 1854, 1855; cl. 6, 1914

Army—Army Reserve—Autumn Manœuvres, 740, 742

Conspiracy, and Protection of Property, Consid. cl. 4, 1739

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Merchant Shipping Acts Amendment, Comm. cl. 9, 188, 170

Metropolitan Board of Works—Street Watering and Cleansing, 167

Wales, Prince of—H.R.H.'s Visit to India, 1157

**Elementary Education Act (1870)—Compulsory Attendance—Case of Mrs. Marks**

Amendt. on Committee of Supply July 1, To leave out from "That," and add "in the opinion of this House, the cordial co-operation of School Boards and Boards of Guardians within their respective districts is essential to the just and beneficial exercise of the powers conferred upon School Boards of enforcing attendance at School upon children of the labouring poor." (*Lord Estington*) v., 799; after short debate, Question, "That the words, &c.," put, and agreed to

**Elementary Education Acts Amendment**

Bill (*Mr. Rathbone, Mr. Birley, Mr. Arthur Mills, Mr. Muniz, Mr. Salt, Mr. Morley*)

c. Ordered; read 1<sup>st</sup> July 2

[Bill 234]

Bill withdrawn July 12

**Elementary Education Provisional Order Confirmation (London) Bill [H.L.]**

(*The Lord President*)

l. Read 2<sup>nd</sup> June 17

(No. 104)

Committee July 5, 947

Report July 6

Read 3<sup>rd</sup> July 8

c. Read 1<sup>st</sup> (*Viscount Sandon*) July 12 [Bill 251]

Read 2<sup>nd</sup> July 15

**Elementary Education Provisional Order Confirmation (London) (No. 2) Bill [H.L.]**

(*The Lord President*)

l. Read 2<sup>nd</sup> June 27

(No. 141)

Committee; Report June 29

Read 3<sup>rd</sup> July 1

c. Read 1<sup>st</sup> (*Viscount Sandon*) July 6 [Bill 239]

Read 2<sup>nd</sup> July 8

Committee; Report July 19

Read 3<sup>rd</sup> July 20

**ELPHINSTONE, Lord**

Navy—Naval Cadets—New Naval College, 538

**EMLY, Lord**

Army—Limerick Militia—Lee, John, Case of, 1801

**Employers and Workmen Bill**

(*Mr. Secretary Cross, Mr. Attorney General, Sir Henry Selwin-Ibbetson*)

c. Question, Lord Robert Montagu; Answer, Mr. Assheton Cross June 25, 549

Read 2<sup>nd</sup>, after debate June 28, 651 [Bill 203]

Committee; Report July 12, 1331

Considered July 16, 1589

Read 3<sup>rd</sup> July 20

l. Read 1<sup>st</sup> (*The Lord Chancellor*) July 22

(No. 218)

**Enclosure Commissioners Report**

Observations, Mr. Gregory; Reply, Mr. Assheton Cross; short debate thereon July 23, 1940

**Endowed Schools Act (1868) Continuance Bill**

(*The Lord President*)

l. Read 2<sup>nd</sup> June 22

(No. 109)

Committee; Report June 24

Read 3<sup>rd</sup>, after short debate June 28, 630

Royal Assent June 29 [38 & 39 Vict. c. 29]

**Endowed Schools Commissioners**

*Dulwich College Scheme*, Question, Mr. Fawcett; Answer, Viscount Sandon July 9, 1246

(cont.)

*Endowed Schools Commissioners—cont.**Exeter Endowed Schools Scheme*

Questions, Sir Edward Watkin, Mr. W. E. Forster, Mr. Newdegate; Answers, Viscount Sandon *July 1*, 788; Question, Mr. W. E. Forster; Answer, Viscount Sandon *July 5*, 950

Moved, "That the Order that the Copy of the scheme for the management of St. John's Hospital and other charities and endowments in the City of Exeter lie on the Table be discharged" (*Viscount Sandon*); Motion agreed to; Order discharged

**Entail Amendment (Scotland) Bill**

(*The Lord Advocate, Mr. Secretary Cross, Mr. Cameron*)

c. Motion for Leave (*The Lord Advocate*) *June 18*, 221; Motion agreed to; Bill ordered; read 1<sup>o</sup> [Bill 212]

Read 2<sup>o</sup> *July 6*

Committee\*; Report *July 9* [Bill 248]

Committee (on re-comm.)—*a.p.* *July 13*, 1395

Committee\*; Report *July 15*

Considered\* *July 16*

Read 3<sup>o</sup> *July 19*

l. Read 1<sup>o</sup> (*The Lord Chancellor*) *July 20*

(No. 214)

Read 2<sup>a</sup>, after short debate *July 23*, 1901

**ERRINGTON, Mr. G., Longford Co.**

Army—Officers' Grievances, Royal Commission on, 1653

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Conspiracy, and Protection of Property, Comm. add. cl. 1588; Consid. cl. 8, 1742; cl. 13, 1749

Elementary Education Act (1870)—Compulsory Attendance—Marks, Mrs., Case of, Res. 789, 813

Friendly Societies, Consid. cl. 28, 313

Merchant Shipping Acts Amendment, Comm. cl. 5, 131; cl. 9, 135, 164; cl. 12, 261, 263, 272; cl. 17, 278, 782, 1863

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**ESTCOURT, Mr. G. B., Wilts, N.**

Friendly Societies, Consid. cl. 8, Amendt. 304

*Eton College—Messrs. Moody and Sankey*

Question, Observations, The Marquess of Bath; Reply, Lord Lyttelton; short debate thereon *June 21*, 225

*European Assurance Society Arbitration Bill (Lords) (by Order)*

c. Moved, "That the Bill be now taken into Consideration" *July 9*, 1237

Amendt. to leave out "now taken into Consideration," and add "re-committed" (*Mr. Charles Lewis*) v.; Question proposed, "That the words, &c.;" after short debate, Amendt. withdrawn

*European Assurance Society Arbitration Bill—cont.*

Main Question put, and agreed to; Bill considered; Standing Orders 224 and 248 suspended; Bill read 3<sup>o</sup>

**EVANS, Mr. T. W., Derbyshire, S.**

Agricultural Holdings (England), Comm. cl. 6, 1857

Elementary Education Act (1870)—Compulsory Attendance—Marks, Mrs., Case of, Res. 805

**EWING, Mr. A. Orr, Dumbartonshire**

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**EXCHEQUER, CHANCELLOR of the (see CHANCELLOR of the EXCHEQUER)****Expiring Laws Continuance Bill**

(*Mr. William Henry Smith, Mr. Secretary Cross*)

c. Ordered; read 1<sup>o</sup> *July 21* [Bill 262]

*Eyre, Case of Ex-Governor*

Observations, Mr. Horsman; Reply, Mr. J. Lowther; short debate thereon *July 1*, 813

*Factory and Workshop Acts Commission—The Canal Population*

Question, Mr. Price; Answer, Mr. Ascheton Cross *July 15*, 1473

**FAWCETT, Mr. H., Hackney**

East India—Auditor of Accounts, &c. (Superannuations), Comm. Motion for reporting Progress, 1868

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 mittee, Report of, *Res.* 891  
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(*The Lord Chancellor*)

*L.* Presented; read 1<sup>st</sup> \* July 23 (No. 224)

**FORSTER, Sir C., Walsall**  
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*cl. 14, 1361*  
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**FORSTER, Right Hon. W. E., Bradford**  
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 Conspiracy, and Protection of Property, *Comm.*  
*cl. 4, 1347, 1348, 1350; cl. 8, 1356; cl. 14,*  
 1360; *add. cl. 1584, 1586; Amendt. 1587;*  
*Consid. cl. 4, 1739; cl. 8, 1743*  
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- c. Read 1<sup>o</sup> \* (*Mr. Cavendish Bentinck*) June 29  
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- l. Committee \* June 18 (No. 130)  
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- l. Read 2<sup>o</sup> \* June 22 (No. 114)  
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**HILL, Mr. T. R., Worcester**

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**HOLLAND, Sir H., Midhurst**

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**HOLMS, Mr. J., Hackney**

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**HOPWOOD, Mr. C. H., Stockport**

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**HORSMAN, Right Hon. E., Liskeard**

Endowed Schools Commissioners—Exeter Endowed Schools Scheme, 789  
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**HOUGHTON, Lord**

Canada Copyright, 2R. 427

**Household Franchise (Counties) Bill**

(*Mr. Trevelyan, Mr. Osborne Morgan, Sir Robert Anstruther, Mr. Lambert, Mr. Blennerhassett*)

c. Moved, "That the Bill be now read 2<sup>o</sup>"  
July 7, 1081

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Salt*); after long debate, Question put, "That 'now,' &c.;" A. 166, N. 268; M. 102

Words added; main Question, as amended, put, and agreed to; 2R. put off for three months

**House Occupiers Disqualification Removal (Scotland) Bill**

(*Dr. Cameron, Sir H. Drummond Wolff, Mr. Vans Agnew, Mr. Mackintosh*)

c. Read 2<sup>o</sup> \* June 24 [Bill 210]  
Committee \*; Report July 2

**HUBBARD, Right Hon. J. G., London**

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**HUNT, Right Hon. G. W. (First Lord of the Admiralty), Northamptonshire, N.**

Agricultural Holdings (England), 2R. 497;  
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Ordnance Select Committee, Res. 346

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**Imprisonment for Debt Bill**

(*Sir Eardley Wilmot, Mr. Staveley Hill*)

c. Bill withdrawn \* July 7 [Bill 80]

**Imprisonment for Debt (No. 2) Bill**

(*Mr. Joshua Fielden, Mr. Thomas Bass, Mr. Cobbett, Mr. Anderson*)

c. Bill withdrawn \* July 22 [Bill 134]

**INCHIQUEN, Lord**

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*Agrarian Disturbances in Bengal*, Question, Mr. E. Noel; Answer, Lord George Hamilton June 24, 436

*Army (India)—First Commissions—Competitive Examinations*—see that title

*Burmah and Western China*, Question, Mr. Alexander M'Arthur; Answer, Lord George Hamilton July 12, 1326; Question, Mr. Richard; Answer, Lord George Hamilton June 21, 254; July 22, 1815;—*Relations with Burmah*, Question, Mr. Grant Duff; Answer, Lord George Hamilton July 8, 1138; Question, Sir George Campbell; Answer, Lord George Hamilton July 19, 1655

*Cavalry Service in India*, Question, General Shute; Answer, Mr. Gathorne Hardy July 22, 1810;—*Majors of Artillery—The Royal Warrant*, 1872, Question, Mr. W. Holms; Answer, Lord George Hamilton July 16, 1576

*China—Murder of Mr. Margary at Mawmwe*, Question, Lord Campbell; Answer, The Earl of Derby July 16, 1573

*Chinese Legations in Europe—Mr. Margary*, Question, Mr. Eaton; Answer, Mr. Bourke July 9, 1246

[See title *India and China—The Opium Traffic*]

*East India Officers' Compensation Committee*, Question, Mr. Owen Lewis; Answer, Lord George Hamilton July 22, 1814

*Railway Communication—The Euphrates Line*, Question, Sir George Jenkinson; Answer, Mr. Disraeli July 22, 1809

*Roman Catholic Chaplains*, Resolution, Mr. O'Reilly June 22, 350 [House counted out]

*The Gaikwar of Baroda*, Question, Mr. Alexander M'Arthur; Answer, Lord George Hamilton July 2, 875; July 12, 1330

*The Indian Budget*, Question, Sir Thomas Bazley; Answer, Lord George Hamilton July 8, 1143; Question, Mr. J. Holms; Answer, Lord George Hamilton July 12, 1326; Question, Mr. Whitwell; Answer, Lord George Hamilton July 20, 1736

**India—Auditor of Accounts, &c. [Superannuations]**

Considered in Committee July 22, 1867

Moved, "That it is expedient to authorise the payment, out of the Revenues of India, of a Superannuation or Pension to any person who has held the office of Auditor of Indian Accounts, and to certain Clerks and Officers on the Establishment of the Secretary of State for India"

Moved, "That the Chairman do report Progress, and ask leave to sit again" (*Mr. Fawcett*); Question put; A. 32, N. 51; M. 19  
Original Question again proposed  
Committee—*r.p.*



**India and China—The Opium Traffic**

Amendt. on Committee of Supply June 25, To leave out from "That," and add "this House is of opinion that the Imperial policy regulating the Opium traffic between India and China should be carefully considered by Her Majesty's Government with a view to the gradual withdrawal of the Government of India from the cultivation and manufacture of Opium" (*Mr. Mark Stewart*) v., 571; after debate, Question put, "That the words, &c.;" A. 94, N. 57; M. 37

**India—Oudh and Kirwee Prize Money**

Address for "Copies of Military letter from the India Office to the Government of India, dated 17th July 1873, No. 140., with its enclosures, in extenso, referring to an order of the House of Lords, No. 52, dated 10th July 1873:

Copy of Military letter from the same to the same, dated 4th February, 1875, No. 38., upon the same subject" (*The Earl of Longford*) July 19, 1841; after short debate; Address agreed to

**India—The Indian Civil Service**

Amendt. on Committee of Supply June 26, To leave out from "That," and add "a Select Committee be appointed to inquire and report upon the Memorial of members of Her Majesty's Civil Service in India to the Secretary of State for India in 1873, and on the Correspondence relating to such Memorial now laid before the House" (*Mr. Lowe*) v., 711; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

*The Uncovenanted Civil Service*, Question, *Mr. Dalrymple*; Answer, *Lord George Hamilton* June 21, 260; Question, *Observations*, Viscount Midleton; Answer, *The Marquess of Salisbury* July 8, 1131

**Indian Immigration—The Coolie Traffic**

Moved, "That there be laid before the House, copy of the Law for the protection of Indian Immigrants" (*The Lord Stanley of Alderley*) July 19, 1630; after short debate, Motion withdrawn

**Industrial and Provident Societies Acts Amendment Bill**

(*Mr. Staveley Hill, Mr. Cowper-Temple, Mr. Rodwell*).

c. Ordered; read 1<sup>o</sup> \* July 5 [Bill 238]

**Industrial Savings Banks Bill**

(*Sir Edward Watkin, Mr. Sherriff, Mr. Knatchbull-Hugessen*)

c. Moved, "That the Bill be now read 2<sup>o</sup>" June 30, 767 [Bill 185]

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Salt*); after short debate, Question put, "That 'now,' &c.;" A. 82, N. 107; M. 25

Words added; main Question, as amended, put, and agreed to; 2R. put off for three months

**Infanticide Bill**

(*Mr. Charley, Mr. Whitwell*)

c. Committee \*—R.F. June 18 [Bill 43]  
Committee \*—R.F. June 22  
Committee—R.F. June 25, 629  
Committee \*; Report July 1  
Considered \* July 2

**Intestates Widows and Children Act Extension Bill** (*The Lord Steward*)

l. Read 2<sup>a</sup> \* June 17 (No. 113)  
Committee \*; Report June 18  
Read 3<sup>a</sup> \* June 21  
Royal Assent June 29 [38 & 39 Vict. c. 27]

**Intestates Widows and Children (Scotland) Bill** (*The Lord Meldrum*)

l. Read 2<sup>a</sup> \* June 22 (No. 143)  
Committee \* June 24  
Report \* June 25  
Read 3<sup>a</sup> \* June 28  
Royal Assent July 19 [38 & 39 Vict. c. 41]

**Intoxicating Liquors (Ireland) Bill**

(*Mr. Sullivan, Mr. Dease*)

c. Bill withdrawn \* July 1 [Bill 71]

**IRELAND**

**MISCELLANEOUS QUESTIONS**

*Agricultural Education (Ireland)*—*Gormans-town Model School*, Question, *Captain Moore*; Answer, *Sir Michael Hicks-Beach* June 24, 434

*Cork Assizes—Case of Mary M. Mahon*, Question, *Mr. O'Shaughnessy*; Answer, *The Solicitor General* for Ireland July 1, 783

*Cork Harbour—Removal of Duwint's Rock*, Question, *Mr. M. Carthy Downing*; Answer, *Mr. Gathorne Hardy* July 2, 875

*Dublin Assizes—Case of John Stator*, Question, *Mr. R. Power*; Answer, *Sir Michael Hicks-Beach* July 1, 785

*Dundrum Asylum*, Question, *Mr. Meldon*; Answer, *Mr. W. H. Smith* June 24, 438

*Education—National School Board—Dismissal of the Rev. J. M. Kenna*, Question, *Mr. Leslie*; Answer, *Sir Michael Hicks-Beach* July 2, 872

*Feeding of Cattle*, *Observations*, *Mr. R. Power*; Reply, *Sir Michael Hicks-Beach* July 9, 1308

*Harbour of Ardglass*, Question, *General Sir George Balfour*; Answer, *Sir Charles Adelerley* June 21, 254

*Irish Church Act—Clause 25—Preservation of National Monuments*, Question, *Mr. Mitchell Henry*; Answer, *Sir Michael Hicks-Beach* July 1, 784; Question, *Mr. Mitchell Henry*; Answer, *Mr. W. H. Smith* July 5, 949

*Irish Church Temporalities Commission—Report*, 1874, Question, *Mr. E. Jenkins*; Answer, *Mr. Disraeli* June 17, 85;—*Audit of Accounts*, *Observations*, *Mr. E. Jenkins*; Reply, *Mr. W. H. Smith*; short debate thereon July 9, 1303

[cont.]

## IRELAND—cont.

*Irish Fisheries*

*Reproductive Loan Fund—Galway*, Question, Mr. Mitchell Henry; Answer, Sir Michael Hicks-Beach July 1, 1884;—*Mayo*, Question, Mr. O'Connor Power; Answer, Sir Michael Hicks-Beach July 8, 1887

*Report of Inspectors—Gunboat*, Question, Captain Nolan; Answer, Sir Michael Hicks-Beach July 23, 1909

*Unworked Oyster Beds*, Question, Mr. O'Clery; Answer, Sir Michael Hicks-Beach July 15, 1486

*Irish Licensing Act*, Question, Mr. R. Power; Answer, The Solicitor General for Ireland July 19, 1857

*Irish Local Government Board—Case of Mr. J. A. Browne*, Question, Mr. Sullivan; Answer, Sir Michael Hicks-Beach June 24, 436

*Miscarriage of Parochial Records*, Question, Mr. Kavanagh; Answer, Sir Michael Hicks-Beach July 22, 1819

*Marlborough Street Training School*, Question, Observations, Lord Carlillingford; Reply, The Duke of Richmond; short debate thereon July 5, 936

*National Education*, Question, Observations, Lord Oranmore and Browne; debate thereon June 18, 140

*Poor Law—Clonmel Union Building Debt*, Question, Captain Moore; Answer, The Chancellor of the Exchequer June 18, 156

*Recorders' Courts in Admiralty Cases*, Question, Mr. Murphy; Answer, The Solicitor General for Ireland June 18, 156

*Registrar of Deeds*, Question, Mr. Errington; Answer, Mr. W. H. Smith June 28, 648

*Removal of Lunatics—Clonmel District Lunatic Asylum*, Question, Mr. Arthur Moore; Answer, Sir Michael Hicks-Beach June 21, 258

*Riots at Callan—Father O'Keeffe*, Questions, Mr. Anderson, Mr. Holt; Answers, Sir Michael Hicks-Beach July 15, 1476; Question, Mr. Holt; Answer, Sir Michael Hicks-Beach July 22, 1813

*Shannon Navigation Act, 1874*, Observations, The O'Connor Don; short debate thereon July 18, 1607

*The Dublin Police*, Question, Mr. Sullivan; Answer, Sir Michael Hicks-Beach June 21, 252

*Translation of Irish Manuscripts—Treasury Minute, 1857*, Question, Mr. Sullivan; Answer, Sir Michael Hicks-Beach July 16, 1575

*Treason-Felony Act—Case of Patrick Walshe*, Question, Mr. O'Connor Power; Answer, Sir Michael Hicks-Beach July 15, 1475

*Waterford Harbour Commissioners—Audit of Accounts*, Question, Mr. R. Power; Answer, The Chancellor of the Exchequer June 21, 251

*Ireland—A Royal Residence in Ireland*

Amendt. on Committee of Supply June 25, To leave out from "That," and add "an humble Address be presented to Her Majesty, humbly representing to Her Majesty that it would conduce to the advantage of the Crown

[cont.]

*Ireland—A Royal Residence in Ireland—cont.*

and tend to promote universal satisfaction in Ireland if Her Majesty had a permanent residence in that country, and that this House, feeling deeply its importance, will cordially co-operate with Her Majesty in any steps She may be graciously pleased to take to carry out so desirable an object" (*Mr. Stacpoole*) v., 553; Question proposed, "That the words, &c.;" after debate, Amendt. withdrawn

*Ireland—Peace Preservation Act—Case of Patrick Casey*

Moved, "That there be laid before this House, Copies of all Memorials addressed to the Lord Lieutenant or the Irish Government, praying for the release of the prisoner Patrick Casey, confined under the provisions of the Protection to Life and Property (Ireland) Act :

Of all special Medical Reports in the case :

Of all Special Minutes made by the Lord Lieutenant relative to the prisoner :

And, of any application made by him for liberty to marry; and of any answer thereto" (*Mr. Mitchell Henry*) July 2, 934; after short debate, Question put; A. 28, N. 85; M. 57

*Ireland—Science and Art Department (Dublin)*

Moved, "That, in the opinion of this House, Science and Art Education in Ireland, especially as applied to manufactures and industry, and the diffusion of Technical Instruction amongst the working classes, is in an unsatisfactory and defective condition; and that it is expedient and just, and would be in accordance with promises heretofore made by Ministers of the Crown, as well as with the frequently declared desires of the Irish people, that there should be established in Dublin, under management calculated to command the confidence of the classes intended to be benefited, a National Institution of Science and Art, with a comprehensive Museum analogous in purpose to and in co-operative connection with that of South Kensington" (*Mr. Sullivan*) July 13, 1396; after short debate, Motion withdrawn

*Ireland—The Magistracy (Ireland)—Mr. L. J. Shea*

Moved, "That there be laid before this House, Copies of the Evidence taken by Dr. Elrington, Q.C., at Tracton, in the county of Cork, in the year 1874, on the complaint of Mr Luke Joseph Shea, then a magistrate for the county of Cork; of the Report of Dr. Elrington; and the decision of the Lords Justices thereon :

"And, of the Memorials and Correspondence between Mr. Shea, Mr. John Hennessy, J.P., and Margaret Atkins with the then Lord Chancellor, Lord O'Hagan, and Lords Commissioners of the Great Seal in the years 1873, 1874, and 1875" (*Mr. Downing*) June 28, 705; after short debate, Question put; A. 25, N. 68; M. 43

*Irish and Scotch Peerages—Report of the Select Committee, 1874*

Question, Observations, Earl Stanhope; Reply, The Earl of Rosebery; short debate thereon June 21, 242

*Irish Peerage—Motion for a Joint Address*

Motion for a Joint Address (*The Earl Stanhope*) July 9; 1210; after debate, Motion withdrawn

Moved, "That an humble Address be presented to Her Majesty, praying Her Majesty that the power conferred on Her Majesty under the Act of Union for the creation of Irish Peers may not stand in the way of the consideration by Parliament of any measure relating thereto that may be introduced" (*The Earl Stanhope*); Motion agreed to

*Italy—Murder of Mr. Hinde, near Naples*

Question, Sir William Stirling-Maxwell; Answer, Mr. Bourke July 1, 786

**JACKSON, Mr. H. M., Coventry**

Agricultural Holdings (England), Comm. cl. 5, 1759, 1851, 1854

Conspiracy, and Protection of Property, Comm. cl. 10, Amendt. 1357

European Assurance Society Arbitration, Consid. 1240

Land Titles and Transfer, Comm. cl. 41, Amendt. 703

Supreme Court of Judicature Act (1873) Amendment (No. 2), Comm. cl. 4, 979; cl. 9, 985, 986; cl. 10, Amendt. *ib.*; add. cl. 1390

**JAMES, Sir H., Taunton**

Conspiracy, and Protection of Property, Comm. cl. 4, 1348; cl. 6, 1355; cl. 9, 1356; Consid. cl. 15, 1751

Employers and Workmen, Comm. cl. 3, 1333

Friendly Societies, Consid. cl. 28, 312

Merchant Shipping Acts Amendment, Comm. cl. 12, 177; Re-comm. 992

Supreme Court of Judicature Act (1873) Amendment (No. 2), Comm. 953; cl. 4, 975; Amendt. 979, 982; cl. 5, 983; cl. 9, 986; cl. 16, 988, 989; cl. 17, 1383; cl. 20, 1386, 1387; add. cl. 1392

Supreme Court of Judicature Act (1873) Amendment (Salaries, &c.), Res. 1600

**JENKINS, Mr. D. J., Penryn, &c.**

Merchant Shipping Acts Amendment, Comm. 110; cl. 9, 171; cl. 12, 265, 268; cl. 14, 276

**JENKINS, Mr. E., Dundee**

Canada Copyright, 2R. 1554

Canada, Dominion of—Pauper Children, Emigration of, 3

Conspiracy, and Protection of Property, Comm. add. cl. 1585

Ireland—Church Temporalities Commissioners, 85, 1303

**JENKINSON, Sir G. S., Wiltshire, N.**

Agricultural Holdings (England), Comm. cl. 3, Amendt. 1751, 1758; cl. 5, Amendt. 1849; Amendt. 1855; cl. 6, 1919

Friendly Societies, Consid. cl. 8, 304; cl. 27, Amendt. 310

India—Railway Communication—Euphrates Line, 1809, 1810

**JOHNSTONE, Sir H., Scarborough**

Agricultural Holdings (England), Comm. cl. 3, 1754; cl. 5, 1848, 1851; cl. 6, 1918

Contagious Diseases Acts Repeal, 2R. 351

Metropolis—Patent Museum and National Portrait Gallery, 1478

**Juries (Ireland) Bill** (*Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach*)

c. Read 2<sup>o</sup> \* June 17 [Bill 206]

Committee \*; Report June 18

Read 3<sup>o</sup> \* June 21

l. Read 1<sup>o</sup> \* (*The Lord President*) June 22

(No. 166)

Read 2<sup>o</sup> \*; Committee negatived June 25

Read 3<sup>o</sup> \* June 28

Royal Assent June 29 [38 & 39 *Vid.* c. 37]

**KARSLAKE, Sir J. B., Huntingdon**

Supreme Court of Judicature Act (1873) Amendment (No. 2), Comm. 967; cl. 2, 971, 973; cl. 21, 1388; add. cl. 1394

**KAVANAGH, Mr. A. M., Carlow Co.**

Parochial Records, Miscarriage of, 1819

Poor Removal, 2R. 1778

**KENEALY, Dr. E. V., Stoke-upon-Trent**

Corrupt Practices Act—Norwich Election—

Address for a Royal Commission, 93

Ireland, Royal Residence in, Motion for an Address, 567

Parliament—Public Business—Count-out, 2

Supply—Wales, Prince of—H.R.H.'s Visit to India, 1521

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**KENNAWAY, Sir J. H., Devon, E.**

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Supply—Convict Establishments, England and the Colonies, 1027

County Prisons, Great Britain, 1027

Zanzibar, Seyyid of—Treaty of 1873, 1484

**KIMBERLEY, Earl of**

Canada Copyright, 2R. 428

Indian Immigration—Coolie Traffic, Motion for a Paper, 1640

Metropolis—Re-valuation—Rating by Water Companies, 1734

Natal, Address for Correspondence, 1900

Pollution of Rivers, Comm. cl. 3, 771, 774



**KINNAIRD, Hon. A. F., *Perth***

Conspiracy, and Protection of Property, Comm.  
cl. 14, 1361  
Consular Chaplains, Res. 1261  
Enclosure of Lands, 1949

**KNATCHBULL-HUGESSEN, Right Hon. E. H., *Sandwich***

Agricultural Holdings (England), 2R. Amendt.  
457, 461; Comm. 1691, 1721; cl. 5, Amendt.  
1849; cl. 6, 1912; Amendt. 1917, 1918,  
1921, 1922, 1923, 1924, 1925  
Enclosure of Lands, 1944, 1945, 1946, 1947  
Merchant Shipping Acts Amendment, Comm.  
cl. 9, 163, 170, 172  
Permissive Prohibitory Liquor, 2R. 58

**KNIGHT, Mr. F. W., *Worcestershire, W.***

Agricultural Holdings (England), Comm. cl. 6,  
Amendt. 1913, 1918, 1921; Amendt. 1925

**KNIGHTLEY, Sir R., *Northamptonshire, S.***

Agricultural Holdings (England), Comm. cl. 3,  
1754  
Allotments Extension, 2R. 1458

**Labourers Cottages Bill**

(*Mr. Morley, Mr. Whitwell, Mr. Stanhope*)  
c. Bill withdrawn \* July 5 [Bill 144]

**Labourers Cottages, &c. (Scotland Bill**

(*Mr. Fordyce, Sir George Balfour, Mr. McCombie,  
Mr. Barclay, Mr. Kinnaird*)  
c. Bill withdrawn \* July 7 [Bill 39]

**Labour Laws—Legislation**

Question, Lord Robert Montagu; Answer, Mr.  
Asheton Cross June 17, 88

**LAING, Mr. S., *Orkney, &c.***

Wales, Prince of—H.R.H.'s Visit to India, Res.  
1506, 1507

**Landed Estates Act (Ireland) Amend-  
ment Bill [H.L.] (*The Lord O'Hagan*)**

l. Read 3<sup>a</sup> \* June 17 (No. 97)

**Land Revenue Acts—Purchase of Ground  
Rents**

Question, Mr. Mellor; Answer, The Chan-  
cellor of the Exchequer July 8, 1139

**Land Titles and Transfer Bill [H.L.]**

(*Mr. Attorney General*)  
c. Committee—S.F. June 28, 700 [Bill 105]

**Lands Clauses Consolidation Acts Amend-  
ment Bill**

(*Mr. Cawley, Mr. Charles Turner, Mr. Hick,  
Mr. Torr*)  
c. Bill withdrawn \* June 25 [Bill 96]

**LANDSDOWNE, Marquess of**

Army—First Class Army Reserve, Res. 1563  
Army—First Commissions in the, Res. 1885  
Pollution of Rivers, Comm. cl. 6, 781

**LAUDERDALE, Earl of**

Navy—Naval Cadets—New Naval College, 538

**Law and Justice****MISCELLANEOUS QUESTIONS**

*Costs of Magistrates (Ireland)*, Supply—Res. 3  
[July 15] reported; Moved, to reduce Vote  
by £100 for Expenses taken against Magis-  
trates, &c. (Ireland); after debate, Debate  
adjourned July 16, 1606

*County Courts—Imprisonment for Debt—Case  
of William Smallbones*, Question, Mr. Charles  
Lewis; Answer, The Attorney General July 22,  
1816

*Imprisonment of Political Offenders*, Obser-  
vations, Mr. Mitchell Henry; Reply, Mr.  
Asheton Cross; short debate thereon July 8,  
1198

*Preston County Court*, Question, Mr. Hermon;  
Answer, Lord Henry Lennox June 17, 87

*The Tichborne Trial—Misconduct of Judges—  
Committee of Inquiry*, Question, Mr. Whalley;  
Answer, The Attorney General June 17, 90;  
—*The Witness Mrs. Mina Jury*, Question,  
Dr. Kenealy; Answer, Mr. Asheton Cross  
June 25, 547

**LAW, Right Hon. H., *Londonderry Co.***

County Boards (Ireland), 2R. 766  
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1304  
Science and Art Department (Dublin), Res.  
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Supreme Court of Judicature Act (1873)  
Amendment (No. 2), Comm. cl. 17, 990, 1333

**LAWRENCE, Lord**

Army—Competitive Examinations, 1877  
Army—India—Competitive Examinations, Mo-  
tion for an Address, 248

**LAWSON, Sir W., *Carlisle***

Permissive Prohibitory Liquor, 2R. 34, 66  
Wales, Prince of—H.R.H.'s Visit to India,  
1327; Res. 1501, 1507

**LEEMAN, Mr. G., *York***

Supreme Court of Judicature Act (1873)  
Amendment (No. 2), Comm. add. cl. 1393

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**Legal Practitioners Bill**

(*Mr. Charley, Mr. William Gordon*)

c. Read 2° \* July 23 [Bill 48]

**LEIGH, Lieut.-Colonel Egerton, *Cheshire Mid***

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**LEITH, Mr. J. F., *Aberdeen***

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**LIMERICK, Earl of**

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**LISGAR, Lord**

Canada Copyright, 2R. 427

**LLOYD, Mr. M., *Beaumaris***

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**LLOYD, Mr. S. S., *Plymouth***

Conspiracy, and Protection of Property, Comm. add. cl. 1583  
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**Local Government Board (Ireland) Provisional Order Confirmation (No. 2) Bill [H.L.] (*The Lord President*)**

l. Read 2° \* June 18 (No. 148)  
Committee \*; Report June 29  
Read 3° \* July 1  
c. Read 1° \* (*Sir Michael Hicks-Beach*) July 2  
Read 2° \* July 5 [Bill 232]  
Committee \*; Report July 14  
Read 3° \* July 15  
l. Royal Assent July 19 [38 & 39 Vict. c. cxx]

**Local Government Board's Poor Law Provisional Orders Confirmation (Oxford, &c.) Bill [H.L.] (*The Earl of Jersey*)**

l. Read 2° \* June 18 (No. 150)  
Committee \* June 29  
Report \* July 1  
Read 3° \* July 2  
c. Read 1° \* (*Mr. Clare Read*) July 6 [Bill 240]  
Read 2° \* July 8  
Committee \*; Report July 19  
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**Local Government Board's Provisional Orders Confirmation (No. 2) Bill (*The Lord President*)**

l. Committee \* June 18 (No. 87)  
Report \* June 21  
Read 3° \* June 22  
Royal Assent June 29 [38 & 39 Vict. c. lxxv]

**Local Government Board's Provisional Orders Confirmation (No. 3) Bill (*The Earl of Jersey*)**

l. Read 3° \* June 22 (No. 127)  
Royal Assent June 29 [38 & 39 Vict. c. lxxvi]

**Local Government Board's Provisional Orders Confirmation (Aberdare, &c.) Bill [H.L.]** (*The Lord President*)

- l.* Committee \* ; Report *July 9* (No. 123)  
 Read 3<sup>a</sup> \* *July 12*  
*c.* Read 1<sup>o</sup> \* (*Mr. Clare Read*) *July 13* [Bill 254]  
 Read 2<sup>o</sup> \* *July 18*

**Local Government Board's Provisional Orders Confirmation (Abingdon, Barnsley, &c.) Bill [H.L.]** (*The Earl of Jersey*)

- l.* Read 2<sup>a</sup> \* *June 18* (No. 151)  
 Committee \* *June 29*  
 Report \* *July 1*  
 Read 3<sup>a</sup> \* *July 2*  
*c.* Read 1<sup>o</sup> \* (*Mr. Clare Read*) *July 6* [Bill 241]  
 Read 2<sup>o</sup> \* *July 8*  
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**Local Government Board's Provisional Orders Confirmation (Abingdon, &c.) Bill [H.L.]** (*The Lord President*)

- l.* Read 2<sup>a</sup> \* *June 18* (No. 147)  
 Committee \* *July 5*  
 Report \* *July 6*  
 Read 3<sup>a</sup> \* *July 8*  
*c.* Read 1<sup>o</sup> \* (*Mr. Clare Read*) *July 13* [Bill 253]  
 Read 2<sup>o</sup> \* *July 16*

**Local Government Board's Provisional Orders Confirmation (Bromley, &c.) Bill [H.L.]—Afterwards**

**Local Government Board's Provisional Orders Confirmation (Leyton, &c.) Bill** (*The Earl of Jersey*)

- l.* Read 2<sup>a</sup> \* *June 18* (No. 149)  
 Committee \* *July 13*  
 Report \* *July 15*  
 Read 3<sup>a</sup> \* *July 16*  
*c.* Read 1<sup>o</sup> \* (*Mr. Clare Read*) *July 19* [Bill 261]  
 Read 2 \* *July 21*

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**LOTHIAN, Marquess of**

Entail Amendment (Scotland), 2R. 1904

**LOWE, Right Hon. R., London University**

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- c.* Order for Committee read ; Moved, " That Mr. Speaker do now leave the Chair " *June 21, 286*  
 Moved, " That the Debate be now adjourned " (*Mr. Ronayne*) ; Question put ; A. 11, N. 167 ; M. 156  
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**MC COMBIE, Mr. W., *Aberdeenshire, W.***

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**MACDONALD, Mr. A., *Stafford***

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*cl.* 5, Amendt. 1353, 1354; *cl.* 10, Amendt.  
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*cl.* 9, 135, 165; *cl.* 17, Amendt. 276, 278;  
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**MASSEY, Right Hon. W. N., Tiverton**

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**Matrimonial Causes and Marriage Law (Ireland) Bill (The Lord Inchiquin)**

l. Bill withdrawn, after short debate June 18, 154 (No. 117)

**MAXWELL, Sir W. STIRLING- Perthshire**

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**Maynooth College Bill**

(The O'Conor Don, Mr. Kavanagh, Mr. Law, Captain Nolan)

c. Bill withdrawn \* June 24 [Bill 194]

**Medical Act, 1858—Unqualified Medical Practitioners**

Question, Mr. Owen Lewis; Answer, Mr. Assheton Cross July 23, 1908

**Medical Acts Amendment (College of Surgeons) Bill**

(Sir John Lubbock, Dr. Lush)

c. Considered \* June 18 [Bill 100]

Read 3<sup>o</sup> \* June 21

l. Read 1<sup>o</sup> \* (Lord Selborne) June 22 (No. 165)

Read 2<sup>o</sup> \* July 8

Committee \*; Report July 9

Read 3<sup>o</sup> \* July 12

Royal Assent July 19 [38 & 39 Vict. c. 43]

**MELDON, Mr. C. H., Kildare**

Army—Duffy, Thomas, Case of, Motion for a Select Committee, 1030, 1034, 1330  
 Conspiracy, and Protection of Property, Comm. cl. 8, 1356; Consid. cl. 8, 1743  
 European Assurance Society Arbitration, Consid. 1242

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Supply—Charitable Donations and Bequests Office, Ireland, 934

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**Mercantile Marine**

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Answer, Sir Charles Adderley June 25, 550

Poole Harbour, Question, Mr. Evelyn Ashley;

Answer, Sir Charles Adderley June 18, 155

Rule of the Road at Sea, Question, Mr. Gourley;

Answer, Sir Charles Adderley July 8, 1136

**Merchant Shipping Act, 1854—Survey of Passenger Ships**

Question, Captain Pim; Answer, Sir Charles Adderley June 17, 91; July 9, 1242

**Merchant Shipping Acts**

Overloaded Ships, Question, Mr. T. E. Smith; Answer, Sir Charles Adderley; short debate thereon July 22, 1808;—The Steamer

"Bear," Question, Mr. Anderson; Answer,

Sir Charles Adderley June 22, 296

Unseaworthy Ships—The "Darent," Question,

Mr. Plimsoll; Answer, Sir Charles Adderley

July 15, 1483;—The "Estella," Question,

Mr. Plimsoll; Answer, Sir Charles Adderley

July 15, 1483

**Merchant Shipping Acts Amendment**

Bill (Sir Charles Adderley, Mr. Cavenish Bentinck, Mr. William Henry Smith)

c. Order for Committee (on re-comm.) read;

Moved, "That Mr. Speaker do now leave the Chair" June 17, 100

Amendt. to leave out from "That," and add

"in the opinion of this House, no measure

affecting Merchant Shipping can be deemed

satisfactory which does not as far as prac-

ticable guard against ships sailing under

foreign flags being at an advantage as com-

pared with those under the British flag"

(Mr. Eustace Smith) v.; Question proposed,

"That the words, &c.;" Amendt. with-

drawn

After debate, main Question, "That Mr.

Speaker, &c.," put, and agreed to; Com-

mittee—R.P.

Committee—R.P. June 18, 161

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Question, Mr. Plimsoll; Answer, Mr. Disraeli

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**Merchant Shipping Acts Amendment Bill—**  
cont.

*The Sixth Clause*, Question, Lord Eslington ; Answer, Sir Charles Adderley July 1, 1882  
Order for Committee postponed, after short debate July 5, 1892

Notice, Mr. Eustace Smith ; Question, Mr. Rathbone ; Answer, Mr. Disraeli July 12, 1895

Order for Committee read July 22, 1887

Moved, "That the Order be discharged" (Mr. Disraeli) ; after short debate, Moved, "That the Debate be now adjourned" (Captain Nolan) ; after further short debate, Motion withdrawn ; after further short debate, original Question put, and agreed to ; Bill withdrawn [Bill 116]

**Merchant Shipping Acts Amendment [Re-**  
**muneration]**

c. Resolution [June 16] reported, and agreed to June 17, 140

**Metalliferous Mines Bill**

(*The Lord Steward*)

l. Committee \* June 18 (No. 106)  
Report \* June 21  
Read 3<sup>a</sup> \* June 22  
Royal Assent July 19 [38 & 39 Vict. c. 39]

**METROPOLIS**

**MISCELLANEOUS QUESTIONS**

*City of London—The Needlemakers' Company*, Question, Mr. Rathbone ; Answer, Mr. Assheton Cross June 22, 1893

*Hyde Park Corner*, Question, Observations, Lord Redesdale ; Reply, The Duke of Richmond July 2, 1869

*Metropolis Police Act—The Dogs' Home*, Question, Mr. Stacpoole ; Answer, Mr. Assheton Cross July 15, 1884

*Metropolitan Valuation Act—Increased Assessments*, Question, Mr. Hubbard ; Answer, Mr. Solater-Booth July 2, 1872 ; Observations, Question, Sir William Fraser ; Reply, Mr. Solater-Booth July 2, 1872 ;—*Rating by Water Companies*, Question, Observations, The Earl of Camperdown ; Reply, The Duke of Richmond ; short debate thereon July 20, 1731

*Music in St. James's Park*, Question, Sir Thomas Chambers ; Answer, Lord Henry Lennox June 24, 1835

*Removal of Temple Bar*, Question, Mr. Gourley ; Answer, Sir James Hogg July 15, 1479

*The Patent Museum and National Portrait Gallery*, Questions, Sir Harcourt Johnstone, Mr. Beresford Hope ; Answers, Lord Henry Lennox July 15, 1478

**Metropolis Gas Companies Bill**

(*Sir James Hogg, Sir Andrew Lusk, Mr.*

*Goldney, Mr. John Holms*)

1<sup>st</sup> Comm. June 28 (No. 281)

1<sup>st</sup> June 28 [Bills 82-224]

**Metropolis Local Management Acts**  
**Amendment Bill** (*The Lord Hartismere*)

l. Read 2<sup>a</sup>, after short debate June 24, 421

Committee \* ; Report June 25 (No. 145)

Read 3<sup>a</sup> \* June 28

Royal Assent June 29 [38 & 39 Vict. c. 33]

**Metropolis—The Thames Embankment—**  
**The New National Opera House**

Amend. on Committee of Supply July 23, To leave out from "That," and add "in allowing the building frontage on the Thames Embankment to be advanced to within thirty feet of the roadway, the Metropolitan Board of Works is acting in contravention of the policy intended to be affirmed by the Resolution of this House on the 8th day of July 1870, whereby the Embankment was secured as an open space for the use of the people" (*Colonel Beresford*) v., 1927 ; after debate, Question, "That the words, &c.;" put, and agreed to

**Metropolitan Board of Works Acts**  
**Amendment Bill—Afterwards**

**Metropolitan Board of Works (Loans)**  
**Bill**

(*Mr. William Henry Smith, Mr. Chancellor of the Exchequer*)

c. Ordered ; read 1<sup>o</sup> \* July 5 [Bill 237]

Read 2<sup>o</sup> \* July 15

**Metropolitan Board of Works—Street**  
**Watering and Cleansing**

Question, Lord Elcho ; Answer, Sir James Hogg June 18, 157

**Metropolitan Police**

*Police Cells*, Observations, Sir William Fraser ; Reply, Sir Henry Selwin-Ibbetson July 23, 1952

*The Public Museums*, Question, Sir Charles W. Dilke ; Answer, Mr. Assheton Cross June 17, 87

**Metropolitan Police. (Surgeon, Clerk,**  
**&c. Superannuation) Bill**

(*The Lord Steward*)

l. Read 2<sup>a</sup> \* June 17 (No. 134)

Committee \* ; Report June 18

Read 3<sup>a</sup> \* June 21

Royal Assent June 29 [38 & 39 Vict. c. 28]

**MIDDLETON, Viscount**

India—Uncovenanted Civil Servants, 1131

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**Militia Laws Consolidation and Amend-**  
**ment Bill** (*Mr. Secretary Hardy, The*

*Judge Advocate, Mr. Stanley*) [Bill 202]

c. Committee \* (on re-comm.)—R.P. June 17

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Committee—R.P. July 12, 1361

Committee—R.P. July 19, 1724



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Conspiracy, and Protection of Property, Comm. cl. 4, Amendt. 1351; cl. 10, Amendt. 1357; cl. 14, Amendt. 1361; Consid. cl. 4, 1741

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**MOORE, Mr. S., Tipperary**

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**MORGAN, Mr. G. Osborne, Denbighshire**

Conspiracy, and Protection of Property, Comm. add. cl. 1586

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Land Titles and Transfer, Comm. cl. 2, 701; cl. 5, Amendt. 702; cl. 41, Amendt. 703

Supreme Court of Judicature Act (1873) Amendment (No. 2), Comm. cl. 4, 975, 980; cl. 7, Amendt. 984; cl. 9, Amendt. 985, 986; cl. 17, 1384; cl. 22, 1389; add. cl. 1392

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Eton College—Messrs. Moody and Sankey, 227, 228

Friendly Societies, 2R. 1131; Comm. cl. 14, Amendt. 1468, 1469; cl. 23, 1471; Report, cl. 14, Amendt. 1730

Public Health, Comm. add. cl. 997

**MORLEY, Mr. S., Bristol**

Municipal Elections (Cumulative Vote), 2R. 1438

**MULHOLLAND, Mr. J., Downpatrick**

County Boards (Ireland), 2R. 760

**MUNDELLA, Mr. A. J., Sheffield**

Conspiracy, and Protection of Property, Comm. cl. 4, 1350; cl. 5, 1354; cl. 6, 1355; cl. 8, 1356; cl. 14, 1360, 1361; add. cl. 1681; Amendt. 1589

Employers and Workmen, 2R. 672, 683; Comm. cl. 3, Amendt. 1332, 1333, 1335; add. cl. 1340; Consid. cl. 3, 1590

National Debt (Sinking Fund), 3R. 700

Supply—Science and Art Department, 855  
Wales, Prince of—H.R.H.'s Visit to India, 1512, 1521

**Municipal Elections Bill**

(*The Marquess of Ripon*)

l. Committee\* June 18 (No. 83)

Report\* June 21

Read 3\* June 22

Royal Assent July 19 [38 & 39 Vict. c. 46]

**Municipal Elections (Cumulative Vote)**

Bill—Formerly

**Election of Aldermen (Cumulative Vote)**

Bill (*Mr. Heygate, Mr. Fawcett, Mr. Morley, Mr. Wheelhouse*) [Bill 37]

c. Moved, "That the Bill be now read 2<sup>d</sup>"  
July 14, 1425

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Dodds*); after debate, Question, "That 'now,' &c.," put, and agreed to

Main Question proposed; after further short debate, Previous Question, "That that Question be now put" (*Mr. Assheton Cross*), put, and negatived

**MUNTZ, Mr. P. H., Birmingham**

Agricultural Holdings (England), Comm. cl. 6, 1924

County Boards (Ireland), 2R. 760

Friendly Societies, Consid. cl. 28, 314

Merchant Shipping Acts Amendment, Comm. cl. 9, 166; Amendt. 171; cl. 12, 178

**MURE, Colonel W., Renfrew**

Agricultural Holdings (England), Comm. cl. 5, 1846; cl. 6, 1923

Friendly Societies, Consid. cl. 28, 313

Navy (Return of Crime and Punishment), Res. 1422

**MURPHY, Mr. N. D., Cork City**

Ireland—Recorders' Courts, 156

**NAPIER AND ENTRICK, Lord**

Army—First Commissions in the, Res. 1887

**Natal**

Moved, "That an humble Address be presented to Her Majesty for, Papers relative to the recent change in the Constitution of Natal" (*The Lord Blackford*) July 23, 1891; after short debate, Address agreed to

**National Debt (Sinking Fund) Bill**

(*Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith*)

c. Moved, "That the Bill be read 3<sup>o</sup> upon Monday next" June 18, 180; debate adjourned Debate resumed June 18; Motion withdrawn Read 3<sup>o</sup>, after short debate June 28, 686

[Bill 142]

l. Read 1<sup>o</sup> (*The Lord President*) June 29  
Read 2<sup>o</sup> July 16 (No. 178)  
Committee<sup>s</sup>; Report July 19  
Read 3<sup>o</sup> July 20

**National School Teachers (Ireland) Bill**

(*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland*)

c. Ordered; read 1<sup>o</sup> June 25 [Bill 223]  
Read 2<sup>o</sup> July 22

**NAVY**

**MISCELLANEOUS QUESTIONS**

*Admiralty Draughtsmen*, Question, Mr. Puleston; Answer, Mr. Hunt July 19, 1857

*Dockyard Labourers*, Question, Mr. E. J. Reed; Answer, Mr. Hunt July 8, 1143

*Dockyard Workmen*, Question, Mr. Puleston; Answer, Mr. Hunt July 12, 1327

*H.M.S. "Devastation,"* Question, Mr. Goschen; Answer, Mr. Hunt July 2, 871

*Naval Examinations—The New System*, Question, Mr. Goddard; Answer, Mr. Hunt June 22, 295

*Promotion and Retirement*, Observations, The Earl of Camperdown; Reply, The Earl of Malmesbury; short debate thereon July 2, 861

*Ships Ballasted—H.M.S. "Osborne,"* Question, Captain Pim; Answer, Mr. Hunt July 6, 949

*Shipbuilding for the Navy—Competitive Designs*, Question, Captain Pim; Answer, Mr. Hunt July 15, 1477

*State of the Navy—Iron-clad Ships*, Observations, Mr. T. Brassey; Reply, Mr. Hunt; debate thereon July 8, 1173

*Surgeons in the Royal Navy*, Question, Mr. Sullivan; Answer, Mr. Hunt June 22, 291

**Navy—Naval College for Cadets**

Observations, Question, The Earl of Camperdown; Answer, The Earl of Malmesbury; short debate thereon June 25, 530; Question, Mr. Edwards; Answer, Mr. Hunt July 8, 1144

*The "Britannia" Cadet Ship—Chief Naval Instructor*, Question, Captain Pim; Answer, Mr. Hunt July 8, 1142

*Report of the "Britannia" Committee*, Amendt. on Committee of Supply July 2, To leave out from "That," and add "before establishing the proposed Naval College at Dart-

**Navy—Naval College for Cadets—cont.**

mouth, it is desirable to consider further the advantages offered by other places" (*Mr. Edwards*) v., 876; after debate, Question put, "That the words, &c.;" A. 147, N. 135; M. 12

**Navy—Returns of Crime and Punishment**

Moved, "That, in the opinion of this House, it is desirable that Returns of Crime and Punishment in the Navy should be annually presented to Parliament" (*Mr. P. A. Taylor*) July 13, 1411; after short debate, Question put; A. 63, N. 101; M. 38

**NELSON, Earl**

Artizans Dwellings, 3R. 81  
Ecclesiastical Fees Redistribution, 544, 546

**NEVILLE-GRENVILLE, Mr. R., Somersetshire, Mid**

Army—Somersetshire Militia—Leigh Hill, Encampment at, 439

**NEWDEGATE, Mr. C. N., Warwickshire, N.**

Agricultural Holdings (England), 2R. 504; Comm. cl. 5, 1759, 1762, 1829, 1832, 1848; Amendt. 1853; cl. 6, 1913  
Conspiracy, and Protection of Property, Comm. cl. 5, 1353; add. cl. 1585; Consid. cl. 8, 1744

Corrupt Practices Act—Norwich Election, Address for a Royal Commission, 99

Employers and Workmen, 2R. 684; Comm. cl. 3, 1338

Endowed Schools Commissioners—Exeter Endowed Schools Scheme, 789

Household Franchise (Counties), 2R. 1108

Monastic and Conventual Institutions, 159, 219, 1819

Municipal Elections (Cumulative Vote), 2R. 1438

Parliament—Public Business, 303, 1663, 1764, 1765, 1768

Pharmacy, 2R. 221

Supply—Wales, Prince of—H.R.H.'s Visit to India, 1524

**NOEL, Mr. E., Dumfries, &c.**

Endowed Schools and Hospitals (Scotland), Report, 1301

India—Bengal, Agrarian Disturbances in, 436

**NOLAN, Captain J. P., Galway Co.**

Army—Non-commissioned Officers, 251

County Boards (Ireland), 2R. 753, 754, 756

Indian Civil Service, Motion for a Select Committee, 737

**Ireland—Miscellaneous Questions**

Irish Church Temporalities Commissioners, 1305

Irish Fisheries Department, 1909

Shannon Navigation Act, 1611

Lunatic Asylums (Ireland), Comm. 286; cl. 8, Amendt. 1209; cl. 10, Motion for reporting Progress, 1554

Merchant Shipping Acts Amendment, Comm. Amendt. 1865

Militia Laws Consolidation and Amendment, Comm. cl. 36, 1726

*Parliament—Breach of Order (Mr. Plimsoll)—*  
cont.

Moved, "That Mr. Plimsoll, the Member for Derby, for his disorderly conduct, be reprimanded, in his place, by Mr. Speaker" (*Mr. Disraeli*)

After short debate, Moved "That the Debate be adjourned for a week" (*Mr. Disraeli*); Motion agreed to; Debate adjourned

## PARLIAMENT—HOUSE OF LORDS

### *New Peer*

June 21—The Earl of Dalhousie, created Baron Ramsay of the United Kingdom

### *Sat First*

July 9—The Earl Graham, after the death of his Father

## PARLIAMENT—HOUSE OF COMMONS

### *New Writ Issued*

July 21—For Hartlepool, v. Thomas Richardson, esquire, Chiltern Hundreds

### *New Member Sworn*

June 17—Colonel Maitland Wilson, *Suffolk (Western Division)*

## Parliament of Canada Bill [H.L.]

(*Mr. J. Lowther*)

c. Read 2<sup>o</sup> \* June 21 [Bill 209]

Committee \*; Report June 25

Read 3<sup>o</sup> \* June 28

l. Royal Assent July 19 [38 & 39 Vict. c. 38]

## PARNELL, Mr. C. S., *Meath*

Army—Catholic Soldiers, Attendance of, at Mass, 158

Political Offenders, Imprisonment of, 1201

### *Passports*

Question, Sir William Fraser; Answer, Mr. Bourke July 12, 1853

## Patents for Inventions Bill

(*Mr. Attorney General*)

c. Bill withdrawn \* July 22 [Bill 133]

## PEASE, Mr. J. W., *Durham, S.*

Agricultural Holdings (England), Comm. 1678, 1683; cl. 3, 1757; cl. 5, Amendt. 1847, 1849, 1852; cl. 6, 1917, 1920

Elementary School Teachers, Res. 794

India and China—Opium Traffic, Res. \*584

Supply—Public Education, England and Wales, 838

## PEEL, Mr. A. W., *Warwick Bo.*

Merchant Shipping Acts Amendment, Comm. cl. 9, 134; cl. 12, 269

## PELL, Mr. A., *Leicestershire, S.*

Agricultural Holdings (England), 2R. 478;

Comm. cl. 3, 1758; cl. 5, Amendt. 1855;

cl. 6, 1912, 1918, 1920, 1921, 1924

Conspiracy, and Protection of Property, Comm. cl. 10, 1857

Enclosure of Lands, 1948

Parliament—Business of the House—Count-out, 1768

Supply—Board of Supervision and Public Health, Scotland, 931

Law Charges, England, 1017

## PEMBERTON, Mr. E. L., *Kent, E.*

Herne Bay Fishery Act, 1864, 1243

## PENNANT, Hon. G. D., *Carnarvonshire*

Supply—Wales, Prince of—H.R.H.'s Visit to India, 1521

## PENZANCE, Lord

Germany and Belgium—International Law, 1316

Sale of Food and Drugs, Report, Amendt. 945, 946

## PERKINS, Sir F., *Southampton*

Army—Knightsbridge Barracks, 256

Criminal Law—Chandler, Sarah, Case of, 1380

Naval College for Cadets—"Britannia" Committee, Report of the, Res. 892

Supply—Wales, Prince of—H.R.H.'s Visit to India, 1526

## Permissive Prohibitory Liquor Bill

(*Sir Wilfrid Lawson, Sir Thomas Bazley, Mr.*

*Downing, Mr. Richard, Dr. Cameron, Mr.*

*Dalway, Mr. William Johnstone*) [Bill 19]

c. Moved, "That the Bill be now read 2<sup>o</sup>" June 16, 4

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Wheelhouse*); after long debate, Question put, "That 'now,' &c.;" A. 86, N. 371; M. 285

Words added; main Question, as amended, put, and agreed to; 2R. put off for three months

Division List, A. and N., 74

## PETERBOROUGH, Bishop of

National Education (Ireland), 153

## Petty Sessions Courts (Ireland) Bill

(*Mr. O'Sullivan, Captain Nolan, Mr. French, Mr. Ronayne*)

c. Bill withdrawn \* July 9 [Bill 138]

## Pharmacy Bill (*Sir Michael Hicks-Beach, Mr. Solicitor General for Ireland*)

c. Read 2<sup>o</sup>, after short debate June 18, 221

Committee \*; Report June 21 [Bills 175-215]

Committee \* (*on re-comm.*); Report July 9

Considered \* July 15

Read 3<sup>o</sup> \* July 16

l. Read 1<sup>o</sup> \* (*The Lord President*) July 19

(No. 209)

Read 2<sup>o</sup>, after short debate July 22, 1797

Committee \* July 23

(No. 223)



**PHIPPS, Mr. P., Northampton**  
Agricultural Holdings (England), Comm. cl. 5,  
1843

**Pier and Harbour Orders Confirmation**  
(No. 2) Bill (*The Lord Dunmore*)

l. Committee \*; Report June 29 (No. 135)  
Read 3<sup>a</sup> \* July 1  
Royal Assent July 19 [38 & 39 Vict. c. cxvi]

**Pier and Harbour Orders Confirmation**  
(No. 3) Bill (*The Lord Dunmore*)

l. Committee \* June 18 (No. 107)  
Report \* June 21  
Read 3<sup>a</sup> \* June 22  
Royal Assent July 19 [38 & 39 Vict. c. cxvii]

**PIM, Captain B., Gravesend**

Mercantile Marine—"Druid," Case of the—  
Wreck Register, 1874 and 1875, 550  
Merchant Shipping Act, 1854—Survey of Pas-  
senger Steamers, 91, 1242  
Merchant Shipping Acts Amendment, Comm.  
cl. 13, Amendt. 274; cl. 18, Amendt. 278,  
279  
Navy—Chief Naval Instructor—"Britannia"  
Cadet Ship, 1142  
Competitive Designs, 1477  
Ships Ballasted—H.M.S. "Osborne," 949

**PLAYFAIR, Right Hon. Mr. Lyon, Edin-  
burgh and St. Andrew's Universities**

Army—Militia Medical Officers, 1379  
Endowed Schools and Hospitals (Scotland),  
Report, 1293, 1299  
Friendly Societies, Consid. cl. 28, 314  
Supply—Public Education, England and Wales,  
848

**PLIMSOLL, Mr. S., Derby Bo.**

Conspiracy, and Protection of Property, Consid.  
cl. 13, Amendt. 1744, 1746, 1747, 1748  
Merchant Shipping Acts Amendment, Comm.  
128; cl. 4, 129; cl. 5, Amendt. 130; cl. 20,  
285, 551  
Merchant Shipping Acts—Unseaworthy Ships  
—"Darent," The, 1483;—"Estella," The,  
1483  
Parliament—Breach of Order, 1822, 1824,  
1825, 1826  
Public Business, 448

**PLUNKET, Hon. D. R. (Solicitor Gene-  
ral for Ireland), Dublin University**

Ireland—Miscellaneous Questions  
Civil Bill Courts, 899  
Criminal Law—Mary M'Mahon, Case of,  
783  
Recorders' Courts, 156  
Ireland—Magistracy—Mr. L. J. Shea, Motion  
for Papers, 705  
Supply—Public Works Office, Ireland, 1011

**PLUNKETT, Hon. R. E., Gloucester, W.**

Army—Adjutants of Militia and Volunteers,  
436  
Household Franchise (Counties), 2R. 1092  
Irish Licensing Act, 1657

**Police Constables (Scotland) Bill**  
(*The Lord Advocate, Mr. Secretary Cross, Sir  
Henry Selwin-Ibbelton*)

a. Motion for Leave (*The Lord Advocate*) June 18,  
224; Motion agreed to; Bill ordered;  
read 1<sup>o</sup> \* [Bill 213]

Read 2<sup>o</sup> \* June 28  
Committee \*; Report July 1  
Considered \* July 2  
Read 3<sup>o</sup> \* July 5

l. Read 1<sup>a</sup> \* (*The Lord Steward*) July 6 (No. 199)  
Moved, "That the Bill be now read 2<sup>a</sup>"  
July 20, 1726

Amendt. to leave out ("now,") and at the end  
of the Motion to add ("this day three  
months'") (*The Lord Blantyre*); after short  
debate, on Question, That ("now,") &c.;  
resolved in the affirmative; Bill read 2<sup>a</sup>  
Committee \*; Report July 22  
Read 3<sup>a</sup> \* July 23

**Police Expenses Bill** (*Mr. Chancellor of  
the Exchequer, Mr. Secretary Cross*)

c. Read 2<sup>o</sup>, after debate July 8, 1208 [Bill 187]  
Committee \*; Report July 12

Read 3<sup>o</sup> \* July 13

l. Read 1<sup>a</sup> \* (*The Lord President*) July 15  
Read 2<sup>a</sup> \* July 20 (No. 207)  
Committee \*; Report July 22  
Read 3<sup>a</sup> \* July 23

**Pollution of Rivers Bill** [H.L.]

(*The Marquess of Salisbury*)

l. Committee; Report, after short debate June 24,  
428 (No. 81)

Committee (on re-comm.), after short debate  
July 1, 770 (No. 169)  
Report \* July 8 (Nos. 183-203)  
Read 3<sup>a</sup> \* July 12

c. Read 1<sup>o</sup> \* July 13 [Bill 252]

**Poor Law Amendment Bill**

(*Mr. Selater-Booth, Mr. Clare Read*)

c. Ordered; read 1<sup>o</sup> \* June 21 [Bill 217]  
Moved, "That the Bill be now read 2<sup>o</sup>"  
July 1, 860

Moved, "That the Debate be now adjourned"  
(*Mr. Dillwyn*); Question put, and agreed to;  
Debate adjourned

**Poor Law (Metropolis)—Shoreditch Work-  
house**

Question, Mr. Puleston; Answer, Mr. Solater-  
Booth July 23, 1906

**Poor Law—Paupers (Orders of Removal)**

Moved, for "Return showing the number of  
orders of removal from unions and parishes  
signed by justices and executed in England  
and Wales, during the years 1869 to 1875,  
inclusive, ending the 25th day of March  
1875;" [with details] (*Lord Henniker*)  
June 21, 229; after short debate, Motion  
amended, and agreed to

**Poor Removal Bill** (*Mr. Downing, Mr. French, Mr. Power, Mr. O'Shaughnessy*)

c. Moved, "That the Bill be now read 2<sup>o</sup>"  
July 21, 1768

Amendt. to leave out "now," and add "upon this day three months" (*Mr. Mark Stewart*); after debate, Question put, "That 'now,' &c.;" A. 65, N. 231; M. 166

Words added; main Question, as amended, put, and agreed to; 2R. put off for three months  
[Bill 59]

**POST OFFICE**

**MISCELLANEOUS QUESTIONS**

*Civil Service Commissioners—Appointments by the Postmaster General*, Question, Mr. Lowe; Answer, Mr. W. H. Smith July 15, 1481

*Postal Union Treaty*, Question, Sir Thomas Bazley; Answer, Lord John Manners July 13, 1378

*Post Office Savings Banks—Life Insurances and Annuities*, Observations, Mr. Salt; Reply, Lord John Manners June 29, 738

*Telegraphic Communication with the Channel Islands*, Question, Mr. Locke; Answer, Lord John Manners June 21, 257

*Telegraphs in County Mayo*, Question, Mr. O'Connor Power; Answer, Lord John Manners July 8, 1137

*Telegraphs—The late Newcastle Races*, Question, Mr. Anderson; Answer, Lord John Manners July 22, 1812

*The West India Mail*, Question, Mr. Alderman Cotton; Answer, Lord John Manners June 21, 255

**Post Office (Superannuation and Gratuities) Bill**

(*Mr. William Henry Smith, Mr. Chancellor of the Exchequer*)

c. Ordered; read 1<sup>o</sup> \* July 8 [Bill 245]  
Read 2<sup>o</sup> \* July 12

**POWER, Mr. J. O'CONNOR, Mayo.**

Criminal Law—Convicts, Treatment of—Portland and Chatham, 258, 260, 1060

Ireland—Irish Reproductive Loan Fund Act—Fisheries, 1137

Treason Felony Act—Walshe, Patrick, Case of, 1475

Jesuits, The, 1142

Political Offenders, Imprisonment of, 1201

Post Office—Telegraphs in County Mayo, 1137

Privilege—Cardinal Manning, 1247, 1248

Supply—Wales, Prince of—H.R.H.'s Visit to India, 1514

Wales, Prince of—H.R.H.'s Visit to India, 1155

**POWER, Mr. R., Waterford**

Criminal Law—Chandler, Sarah, Case of, 1656

Ireland—Miscellaneous Questions

Cattle, Feeding of, 1308

Criminal Law—John Slator, Case of, 785, 786

Irish Licensing Act, 1657

Waterford Harbour Commissioners—Audit of Accounts, 251

Supply—Lord Lieutenant of Ireland, Household of, 933

**POWERSCOURT, Viscount**

Irish Peerage—Motion for a Joint Address, 1231

National Education (Ireland), 143

**PRICE, Captain G. E., Devonport**

Army—Artillery—Heavy Guns, 1905

Ordnance Select Committee, Res. Amendt. 336

**PRICE, Mr. W. E., Tewkesbury**

Army—Jersey Militia, 1474

Factory and Workshop Act Commission—Canal Population, 1473

**Publican's Certificates (Scotland) Bill**

(*Dr. Cameron, Sir Windham Anstruther, Mr. Ramsay, Mr. Mackintosh*)

c. Acts read; considered in Committee; Resolution agreed to, and reported; Bill ordered; read 1<sup>o</sup> \* July 14 [Bill 256]

**Public Health**

*Polluted Wells at Hucknall Torkard*, Question, Mr. Macdonald; Answer, Mr. Selater-Booth July 9, 1244

*Sanitary Condition of Oxford*, Question, Mr. Gathorne Hardy; Answer, Mr. T. Cave June 21, 255

*Small Pox in Staffordshire*, Question, Sir Charles Forster; Answer, Mr. Selater-Booth June 18, 161

**Public Health Bill**

(*The Lord President*)

c. Question, The Duke of Somerset; Answer, The Duke of Richmond June 17, 84

Read 2<sup>o</sup>, after short debate June 28, 637

(No. 136)

Committee, after short debate July 6, 994

Report July 15, 1467

(No. 200)

Read 3<sup>o</sup> \* July 16

**Public Health (Scotland) Act, 1867, Amendment Bill**

(*The Lord Advocate, Mr. Chancellor of the Exchequer, Mr. William Henry Smith*)

c. Ordered; read 1<sup>o</sup> \* June 30 [Bill 230]

Read 2<sup>o</sup> \* July 8

Committee\*; Report July 15

**Public Health (Scotland) Provisional Order Confirmation (No. 3) Bill**

(*The Lord Walsingham*)

l. Royal Assent June 29 [38 & 39 Vict. c. lxxiii]

**Public Records (Ireland) Act, 1867, Amendment Bill [H.L.]**

(*The Lord Chancellor*)

l. Presented; read 1<sup>o</sup> \* June 24 (No. 168)

Read 2<sup>o</sup> \* June 28

Committee; Report, after short debate June 29, 707

Read 3<sup>o</sup> \* July 1

**Public Records (Ireland) Act, 1867, Amendment Bill—cont.**

- c. Read 1<sup>o</sup> July 2 [Bill 233]  
 Read 2<sup>o</sup> July 13  
 Committee \*; Report July 22  
 Considered \* July 23

**Public Stores Bill***(The Lord President)*

- l. Royal Assent June 29 [38 & 39 Vict. c. 25]

**Public Works Loan Acts Amendment Bill**  
*(Mr. Chancellor of the Exchequer, Mr. William Henry Smith)*

- c. Select Committee, Mr. O'Reilly disch., Mr. Fawcett added June 16

**Public Works Loans (Money) Bill***(Mr. Raikes, Mr. Chancellor of the Exchequer, Mr. William Henry Smith)*

- c. Resolution in Committee July 5  
 Resolution reported, and agreed to; Bill ordered; read 1<sup>o</sup> July 6 [Bill 243]  
 Read 2<sup>o</sup> July 12  
 Committee \*; Report July 15  
 Considered \* July 16  
 Read 3<sup>o</sup> July 19  
 l. Read 1<sup>o</sup> *(The Lord Steward)* July 20 (No. 213)

**Public Worship Facilities Bill***(Mr. Salt, Mr. Cawley, Mr. Courper-Temple, Mr. Norwood, Sir Henry Wolf)*

- c. Report of Select Comm. July 13 (No. 331)  
 Bill reported \* July 13 [Bill 22]  
 Bill withdrawn \* July 14

**PULESTON, Mr. J. H., Devonport**

Navy—Admiralty Draftsmen, 1657  
 Dockyard Workmen, 1327  
 Poor Law (Metropolis)—Shoreditch Workhouse, 1906

**Queen's Remembrancer, The**

Personal Explanation, Mr. Disraeli July 8, 1158

**RAIKES, Mr. H. C. (Chairman of Committees of Ways and Means), Chester**

Agricultural Holdings (England), Comm. cl. 3, 1758; cl. 5, 1759, 1760  
 Conspiracy, and Protection of Property, Comm. cl. 4, 1343; cl. 6, 1355  
 European Assurance Society Arbitration, Consid. 1241  
 Land Titles and Transfer, Comm. cl. 1, 701  
 Merchant Shipping Acts Amendment, Comm. cl. 5, 132; cl. 20, 282  
 Supply—Constabulary Force, Ireland, 1530  
 Criminal Prosecutions, &c. (Ireland), 1527  
 Public Education, Scotland, 857  
 Wales, Prince of—H.R.H.'s Visit to India, 1511, 1522  
 Supreme Court of Judicature Act (1873) Amendment (No. 2), Comm. cl. 4, 976

**Railway Companies Bill***(The Lord Dunmore)*

- l. Read 2<sup>o</sup> June 22 (No. 111)  
 Committee \*; Report June 24  
 Read 3<sup>o</sup> June 25  
 Royal Assent June 29 [38 & 39 Vict. c. 31]

**Railways**

*Accident at Bathampton Junction*, Question, Mr. Hayter; Answer, Sir Charles Adderley July 6, 999

*Ladies' Compartments*, Question, Lord Ernest Bruce; Answer, Sir Charles Adderley June 29, 710

**RAMSAY, Mr. J., Falkirk, &c.**

Agricultural Holdings (England), Comm. cl. 5, 1840  
 Endowed Schools and Hospitals (Scotland), Report, 1287  
 Poor Removal, 2R. 1796  
 Supply—Board of Education and Public Health, Scotland, 930, 931  
 Broadmoor Criminal Lunatic Asylum, 1030  
 Fishery Board, Scotland, 929  
 Public Education, Scotland, 857, 859  
 Queen's and Lord Treasurer's Remembrancer, Scotland, 922

**RATHBONE, Mr. W., Liverpool**

Corrupt Practices Act—Norwich Election, Address for a Royal Commission, 99  
 Land Titles and Transfer, Comm. cl. 1, 700, 701  
 Merchant Shipping Acts Amendment, Comm. cl. 4, Amendt. 129; cl. 5, 130; cl. 9, 167; cl. 10, Amendt. 175; cl. 12, 176, 177; Amendt. 267, 273; cl. 20, 285, 1325, 1860  
 Metropolis—Needlemakers' Company, 293  
 Municipal Elections (Cumulative Vote), 2R. 1436  
 Parliament—Business of the House, 950  
 Supreme Court of Judicature Act (1873) Amendment (No. 2), Comm. cl. 17, 1385

**READ, Mr. Clare S., Norfolk, S.**

Agricultural Holdings (England), Comm. cl. 5, 1831, 1849, 1850, 1851, 1854, 1855; cl. 6, 1856, 1918, 1921, 1922, 1923

**REDESDALE, Lord (Chairman of Committees)**

Artizans Dwellings, 3R. Amendt. 82, 83  
 Metropolis—Hyde Park Corner, 869, 870  
 Public Health, 2R. 645  
 Sale of Food and Drugs, Report, cl. 7, Amendt. 946

**REED, Mr. E. J., Pembroke, &c.**

Merchant Shipping Acts Amendment, Comm. cl. 9, 174; cl. 12, 265; cl. 20, Motion for reporting Progress, 284, 1864  
 National Debt (Sinking Fund), 3R. 695  
 Navy—Dockyard Labourers, 1143  
 State of the—Iron-clad Ships, 1155  
 Navy Estimates—Dockyards, &c. 1207  
 Ordnance Select Committee, Res. 340



**Registration of Trade Marks Bill***(The Lord Chancellor)*I. Presented; read 1<sup>st</sup> June 22, 289 (No. 167)Read 2<sup>nd</sup> \* June 28

Committee\*; Report July 1

Read 3<sup>rd</sup> \* July 2c. Read 1<sup>st</sup> \* (*Mr. Cavendish Bentinck*) July 6

[Bill 242]

Moved, "That the Bill be now read 2<sup>nd</sup>"  
*July 15, 1555*; Moved, "That the Debate  
 be now adjourned" (*Mr. Eustace Smith*);  
 Motion withdrawn

Main Question put, and agreed to; Bill read 2<sup>nd</sup>,  
 and committed to a Select Committee  
 Committee nominated *July 19*; List of the  
 Committee, 1555

**Representation of the People**

Ordered, That the Orders of the Day subse-  
 quent to the Committee of Supply be post-  
 poned until after the Notice of Motion re-  
 lating to the Representation of the People

Moved, "That it is the duty of Her Majesty's  
 Government to cause inquiry to be made into  
 the various methods of bringing about a  
 juster distribution of political power, with a  
 view of securing a more complete Represen-  
 tation of the People" (*Sir Charles W.  
 Dilke*) *July 15, 1533*; after debate, Ques-  
 tion put; A. 120, N. 190; M. 70

**RICHARD, Mr. H., *Merthyr Tydvil***

Cape Colony—Annexation of Territory, 1243

India—Burmah, Disputes with, 254, 1815

**RICHMOND, Duke of (Lord President of the Council)**

Army—Limerick Militia—Lee, John, Case of, 1800

Army—Aldershot Manœuvres, Motion for a Return, 1372

Army (India)—Competitive Examinations, Motion for an Address, 247

Artizans Dwellings, 3R. 83

Dover Harbour, 1367

Education Act (1870)—Clause 74, 1643

Elementary Education Provisional Orders Confirmation (London), Comm. 947

Endowed Schools Act (1868) Continuance, 3R. 637

Eton College—Messrs. Moody and Sankey, 229

Irish Peerage, Motion for a Joint Address, 1232, 1233

Metropolis—Hyde Park Corner, 870

Re-Valuation—Rating by Water Companies, 1732

National Education (Ireland)—Marlborough Street Training School, 939, 943

Parliament—Business of the Session, 1869, 1871

Pharmacy, 2R. 1797

Police Constables (Scotland), 2R. 1728

Pollution of Rivers, Comm. cl. 3, 772; cl. 6, 782

Poor Law—Paupers (Orders of Removal), Motion for Returns, 239

Public Health, 84; 2R. 637; Comm. 995;  
 cl. 110, 996; cl. 112, tb.; cl. 124, 997;  
 add. cl. ib.; Report, cl. 298, 1468

Sale of Food and Drugs, Report, 944, 945;  
 3R. cl. 3, Amendt. 1799; add. cl. ib.

RIDLEY, Mr. M. W., *Northumberland, N.*  
 Household Franchise (Counties), 2R. 1074

**RITCHIE, Mr. C. T., *Tower Hamlets***

Criminal Law—Chandler, Sarah, Case of, 1379

Employers and Workmen, Comm. cl. 3, 1337

Merchant Shipping Acts Amendment, Comm. cl. 9, 134; cl. 20, Amendt. 282

Supply—Wales, Prince of—H.R.H.'s Visit to India, 1513

**Rivers Pollution—Destruction of Fish in the Ribble**

Question, Mr. Hermon; Answer, Mr. Selater-  
 Booth *July 22, 1814*

**RODWELL, Mr. B. B. H., *Cambridge-shire***

Agricultural Holdings (England), Comm. cl. 3, 1758; cl. 5, 1848; cl. 7, Amendt. 1925

Allotments Extension, 2R. 1457

Household Franchise (Counties), 2R. 1086

Supply—Public Education, England and Wales, 847

**ROEBUCK, Mr. J. A., *Sheffield***

Conspiracy, and Protection of Property, 1345, 1347

Permissive Prohibitory Liquor, 2R. 31

Poor Removal, 2R. 1782

**RONAYNE, Mr. J. P., *Cork City***

Lunatic Asylums (Ireland), Comm. Motion for  
 Adjournment, 286; cl. 8, Motion for report-  
 ing Progress, 1209

Supply—Report—Criminal Prosecutions, &amp;c. Ireland, Motion for Adjournment, 1606

**ROSEBERY, Earl of**

Artizans Dwellings, 3R. 78

Entail Amendment (Scotland), 2R. 1904

Friendly Societies, Report, cl. 28, Amendt. 1731

Irish Peerage, Motion for a Joint Address, 1229, 1233

Scotch and Irish Peerages, Report of the Select Committee, 244

**Royal Irish Constabulary Bill***(Sir Michael Hicks-Beach, Mr. Solicitor**General for Ireland)*

a. Considered in Committee; Resolution agreed  
 to *June 21, 288*

Resolution reported, and agreed to; Bill  
 ordered; read 1<sup>st</sup> \* *June 22* [Bill 219]

Read 2<sup>nd</sup> \* *June 28*Committee\*; Report *June 29*Read 3<sup>rd</sup> \* *June 30*I. Read 1<sup>st</sup> \* (*The Lord President*) *July 1*Read 2<sup>nd</sup> \* *July 9* (No. 182)Committee\*; Report *July 12*Read 3<sup>rd</sup> \* *July 13*Royal Assent *July 19* [38 & 39 Vict. c. 44]**Saint Paul's Cathedral (1**Bill [H.L.] (*The Law*I. Royal Assent *June 20***Canonries)***(London)*

\*70

**Sale of Coal, &c. (No. 2) Bill**

(*Mr. Gourley, Mr. Palmer, Mr. Dodds, Sir Henry Havelock, Mr. Callender, Mr. Hamond*)  
c. Bill withdrawn \* July 19 [Bill 101]

**Sale of Food and Drugs Bill**

(*The Lord President*)

l. Report July 5, 944 (No. 155)  
Read 3<sup>d</sup> July 22, 1799 (No. 193)

**Sale of Intoxicating Liquors on Sunday (Ireland) Bill**

(*Mr. Richard Smyth, The O'Conor Don, Viscount Crichton, Mr. Dease, Mr. James Corry, Mr. William Johnston, Mr. Dickson, Mr. Redmond*)

c. Bill withdrawn \* July 7 [Bill 14]

**SALISBURY, Marquess of (Secretary of State for India)**

India—Uncovenanted Civil Servants, 1132  
India—Oude and Kirwee Prize Money, Address for Returns, 1642  
Irish Peerage, Motion for a Joint Address, 1226  
Metropolis—Re-valuation—Rating by Water Companies, 1733  
National Education (Ireland), 144  
Pollution of Rivers, Comm. 428, 433; cl. 3, 771, 772; cl. 4, 777, 778, 780; cl. 6, 781  
Public Health, 2R. 643  
Sale of Food and Drugs, Report, 946

**Salmon Fishery Act Provisional Order (Taw and Torridge) Bill [H.L.]**

(*The Lord Steward*)

l. Presented; read 1<sup>st</sup> June 17 (No. 156)  
Read 2<sup>nd</sup> June 24  
Committee\*; Report July 2  
Read 3<sup>rd</sup> July 6  
c. Read 1<sup>st</sup> July 9 [Bill 247]  
Read 2<sup>nd</sup> July 12  
Committee\*; Report July 22  
Read 3<sup>rd</sup> July 23

**SALT, Mr. T., *Stafford***

Elementary Education Act (1870)—Religious Instruction, 819  
Household Franchise (Counties), 2R. Amendt. 1061  
Industrial Savings Banks, 2R. Amendt. 768  
Post Office Savings Banks—Life Insurance and Annuities, 738  
Supply—Public Education, England and Wales, 859

**SAMUDA, Mr. J. D'A., *Tower Hamlets***

Commercial Gas, Consid. 1234  
Conspiracy, and Protection of Property, Comm. cl. 10, 1357  
Merchant Shipping Acts Amendment, Comm. cl. 9, 133  
New Estimates—Dockyards, &c., 1207  
See Select Committee, Res. 336

**SANDFORD, Mr. G. M. W., *Maldon***

Elementary Education Act (1870)—Compulsory Attendance—Marks, Mrs., Case of, Res. 803  
Enclosure of Lands, 1944  
Supply, 527

**SANDON, Right Hon. Viscount (Vice President of Committee of Council on Education), *Liverpool***

Canada, Dominion of—Board or Voluntary Schools, 1818  
Contagious Diseases (Animals) Act—Veterinary Department of the Privy Council, 787  
Education Department—Miscellaneous Questions  
Bristol School Board, 1735  
Elementary School Teachers—Pensions, 1000  
Elementary Schools—Payment of Grants, 1734  
Field Dalling School Board, 1135  
Kibworth Endowed School, 294  
Normal School Teachers, 1141  
Teachers, Superannuation Allowances to, 1577  
Elementary Education Act (1870)—Miscellaneous Questions  
Religious Instruction, 820  
School Boards, 1328  
(1871)—Schools in the Fen Districts, 649  
Elementary Education Act (1870)—Compulsory Attendance—Marks, Mrs., Case of, Res. 809  
Endowed Schools Commissioners—Exeter Endowed Schools Scheme, 788, 789, 790, 950  
Endowed Schools—Dulwich College, 1247  
Supply—Board of Education for Scotland, 859  
Public Education, England and Wales, 851, 852  
Public Education, Scotland, 858  
Science and Art Department, 856

**School Attendance in Towns Bill**

(*Mr. Salt, Lord Francis Hervey, Mr. Hermon*)  
c. Bill withdrawn \* July 21 [Bill 102]

**SOLATER-BOTH, Right Hon. G. (President of the Local Government Board), *Hampshire, N.***

Canada, Dominion of—Pauper Children, Emigration of, 8  
Parliament—Public Business—Count-out, 1766  
Poor Law Amendment, 2R. 860  
Poor Law (Metropolis)—Shoreditch Workhouse, 1907  
Poor Removal, 2R. 1791  
Public Health—Hucknall Torkard, Polluted Wells at, 1245  
Small Pox in Staffordshire, 161  
Rivers Pollution—Fish, Destruction of, in the Ribble, 1814  
Supply, 528  
Exchequer and Audit Department, 625  
Local Government Board, 627  
Valuation of Property (Metropolis), 873, 910

*Scotch and Irish Peerages*

Motion for a Joint Address (*The Earl Stanhope*) July 9, 1210; after debate, Motion withdrawn

Moved, That an humble Address be presented to Her Majesty, praying Her Majesty that the power conferred on Her Majesty under the Act of Union for the creation of Irish Peers may not stand in the way of the consideration by Parliament of any measure relating thereto that may be introduced (*The Earl Stanhope*); Motion agreed to

*Report of the Select Committee*, 1874, Question, Observations, Earl Stanhope; Reply, The Earl of Rosebery; short debate thereon June 21, 242

## SCOTLAND

*Endowed Schools and Hospitals—Report of the Royal Commission*, Observations, Mr. Grant Duff; Reply, The Lord Advocate; debate thereon July 9, 1267

*Public Health—Legislation*, Question, Mr. W. Holms; Answer, The Lord Advocate June 29, 710

*Poor Law Officers—Superannuation*, Question, Colonel Alexander; Answer, The Lord Advocate July 16, 1575

SCOTT, Lord H. J. M. D., *Hampshire, S.*  
Enclosure of Lands, 1949

SCOURFIELD, Mr. J. H., *Pembrokeshire, S.*  
Agricultural Holdings (England), Comm. cl. 3, 1757

Conspiracy, and Protection of Property, Consid. cl. 8, 1743

Elementary Education Act (1870)—Compulsory Attendance—Marks, Mrs., Case of, Res. 813

Supply—Law Charges, England, 1018

*Sea Fisheries Act, 1868—Poole Harbour Fishery*

Question, Mr. Dodds; Answer, Sir Charles Adderley July 9, 1244

*Sea Fisheries (Ireland) Bill*

(*Mr. Collins, Mr. Butt, Sir Joseph McKenna*)

c. Ordered \* June 24

Read 1<sup>o</sup> \* June 25

[Bill 221]

SELBORNE, Lord

Artizans Dwellings, 3R. 83

Pollution of Rivers, Comm. 433; cl. 3, 773, 776; cl. 4, 780

SELWIN-IBBETSON, Sir H. J. (Under Secretary of State for the Home Department), *Essex, W.*

Allotments Extension, 2R. 1456

Criminal Law—Convicts, Treatment of—Portland Prison, 1060

Metropolitan Police Cells, 1953, 1954

Municipal Elections (Cumulative Vote), 2R. 1447

Parliament—Public Business—Count Out, 2

Permissive Prohibitory Liquor, 2R. 66, 67

Supply—Broadmoor Criminal Lunatic Asylum, 1030

SHAFTESBURY, Earl of

Ecclesiastical Fees Redistribution, 2R. 543

Eton College—Messrs. Moody and Sankey, 228, 229

SHERIDAN, Mr. H. B., *Dudley*

Coal Mines Regulation Act—Gornel Wood Accident, 1735

Sheriff Courts (Scotland (No. 2) Bill

(*The Lord Advocate, Mr. Secretary Cross,*

*Sir Henry Selwin-IBbetson*)

c. Bill withdrawn \* July 23

[Bill 135]

SHERLOCK, Mr. Serjeant D., *King's Co.*

Merchant Shipping Acts Amendment, Comm. cl. 12, 177

SHREWSBURY, Earl of

Army—First Commissions in the, Res. 1883

SHUTE, Major-General C. C., *Brighton*

India—Cavalry Service in, 1810

Ordnance Select Committee, Res. 345

Supply—Lord Lieutenant of Ireland, Household of, 984

SIMON, Mr. Serjeant J., *Dewsbury*

Conspiracy, and Protection of Property, Comm.

cl. 4, 1348, 1351; add. cl. 1583; Consid.

cl. 4, 1740; cl. 8, 1742

Employers and Workmen, Comm. cl. 3, 1334, 1337; cl. 6, Amendt. 1339

Merchant Shipping Acts Amendment, Comm.

cl. 9, 172; cl. 12, 177, 179, 261; Amendt.

262, 266; cl. 20, 283

Supreme Court of Judicature Act (1873)

Amendment (No. 2), Comm. cl. 2, 973;

cl. 4, 981; add. cl. 1392

SMITH, Mr. T. E., *Tynemouth, &c.*

Merchant Shipping Act—Overloaded Ships, 1808, 1809

Merchant Shipping Acts Amendment, Comm.

Amendt. 100; cl. 4, 130; cl. 9, 168, 169,

171; cl. 12, Amendt. 178, 264, 266, 270;

cl. 17, 278; cl. 20, 281; Motion for report-

ing Progress, 286, 1325, 1858

Parliament—Public Business, 1822

Political Offenders, Imprisonment of, 1203

Registration of Trade Marks, 2R. Motion for Adjournment, 1555

SMITH, Mr. W. H. (Secretary to the Treasury), *Westminster*

Army and Navy Accounts, Audit of, 249

Civil Service—Postmaster General, Appointments by the, 1482

Ireland—Miscellaneous Questions

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Irish Church Act, 1869—National Monuments, Preservation of, 949

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Metropolis—Thames Embankment and New Opera House, Res. 1939

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Supply—Board of Education and Public Health, Scotland, 930  
 Common Law Courts, 1023  
 Constabulary Force, Ireland, 1315  
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 Court of Chancery, Salaries and Expenses of, 1022  
 Criminal Proceedings, Scotland, 1313  
 Exchequer and Audit Department, 624, 625, 626  
 Fishery Board, Scotland, 926  
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 Law Charges, England, 1022  
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 Stationery and Printing, 743, 744  
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 Works and Public Buildings, 745

SMYTH, Mr. P. J., *Westmeath Co.*  
 Science and Art Department (Dublin), Res. 1411

*Society of Jesus*

Motion for a Select Committee (*Mr. Whalley*)  
 July 6, 1058 [House counted out]  
 Question, Mr. Whalley; Answer, Mr. Disraeli  
 July 8, 1141  
 Motion for a Select Committee (*Mr. Whalley*)  
 July 13, 1422; [The Motion, not being seconded, was not proposed]

SOLICITOR GENERAL, The (Sir J. HOLKER),  
*Preston*

Conspiracy, and Protection of Property, Comm.  
*cl. 4*, 1348  
 Employers and Workmen, Comm. *cl. 3*, 1336  
 Merchant Shipping Acts Amendment, Comm.  
*cl. 9*, 172; *cl. 12*, 177, 268, 270, 271, 272,  
 273; *cl. 17*, 277, 278; *cl. 19*, 280; *cl. 20*,  
 282  
 Supreme Court of Judicature Act (1873)  
 Amendment (No. 2), Comm. *cl. 2*, 973;  
*cl. 16*, 989; *cl. 20*, 1386; *cl. 21*, 1388

## SOMERSET, Duke of

Navy—Naval Cadets—New Naval College, 536  
 Promotion and Retirement, 866  
 Pollution of Rivers, Comm. *cl. 3*, Amendt.  
 772  
 Public Health, 84; 2R. 642; Comm. *cl. 124*,  
 Amendt. 996

SPEAKER, The (Right Hon. H. B. W.  
BRAND), *Cambridgeshire*

Agricultural Holdings (England), 2R. 512,  
 1683; Comm. *ib.*  
 Conspiracy, and Protection of Property, Consid.  
*cl. 13*, 1746, 1747  
 Employers and Workmen, 2R. 684  
 Enclosure of Lands, 1943  
 Jesuits, The, 1142  
 Metropolis—Thames Embankment and New  
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Papacy, The—"O'Keeffe v. Cullen," 1141  
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 Breach of Order (Plimsoll, Mr.), 1824,  
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 mons Bills, 650  
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 1201  
 Privilege—Cardinal Manning, 1248, 1249  
 Queen v. Castro, 792  
 Society of Jesus, Motion for a Select Com-  
 mittee, 1423

SPINKS, Mr. Serjeant F. L., *Oldham*

Municipal Elections (Cumulative Vote), 2R.  
 445  
 Parliament—Witnesses—Inspectors of Coal  
 Mines, 874

STACPOOLE, Captain W., *Ennis*

Army—North Tipperary Militia, 1908  
 Purchase System, 1474  
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 European Assurance Society; Arbitration,  
 Consid. 1238  
 Ireland, Royal Residence in, Motion for an  
 Address, 553, 564, 571  
 Metropolis—Dogs' Home, 1484  
 Militia Laws Consolidation and Amendment,  
 Comm. Motion for reporting Progress, 993  
 Naval College for Cadets—"Britannia" Com-  
 mittee, Report of the, Res. 892  
 Poor Removal, 2R. 1795  
 Supply—Public Education, Scotland, 857

STANFORD, Mr. V. F. Benett- *Shaftes-  
bury*

Ordnance Survey—South Wilts and Dorset-  
 shire, 439

## STANHOPE, Earl

Army—Competitive Examinations, 1874, 1875  
 Canada Copyright, 2R. 426  
 Irish Peerage, Motion for a Joint Address,  
 1210, 1232  
 Scotch and Irish Peerages, Report of the Select  
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STANHOPE, Hon. E., *Lincolnshire, Mid*

Elementary Education Act, 1871—Schools in  
 the Fen Districts, 649  
 Friendly Societies, Consid. *cl. 12*, 308

STANHOPE, Mr. W. T. W. S., *Yorkshire,  
W.R.*

Supply—County Prisons, Great Britain, 1028

## STANLEY OF ALDERLEY, Lord

Education Act (1870)—Clause 74, 1642  
 Indian Immigration—Coolie Traffic, Motion for  
 a Paper, 1630, 1641  
 Offences against the Person, Comm. *cl. 3*,  
 Amendt. 84; *cl. 4*, Amendt. *ib.*; 3R. 547

STANLEY, Hon. Captain F. A. (Financial Secretary for War) *Lancashire, N.*  
Army—Cavan Militia, 996  
Militia Laws Consolidation and Amendment, Comm. cl. 18, 1364; cl. 25, 1365; cl. 27, *ib.*

STANSFELD, Right Hon. J., *Halifax*  
Contagious Diseases Acts Repeal, 2R. 408, 416  
Poor Removal, 2R. 1780

STARKIE, Mr. L. R., *York, W. R.*  
Agricultural Holdings (England), Comm. cl. 5, 1848

Statute Law Revision Bill [H.L.]  
(*The Lord Chancellor*)

l. Presented; read 1<sup>st</sup> July 5 (No. 194)

Statute Law Revision (Ireland) Bill  
(*Mr. Solicitor General for Ireland, Sir Michael Hicks-Beach*)

c. Read 2<sup>o</sup> June 21 [Bill 199]  
Bill withdrawn July 22

STEVENSON, Mr. J. C., *South Shields*  
Merchant Shipping Acts Amendment, Comm. cl. 9, 168

STEWART, Mr. M. J., *Wigton Bo.*  
India and China—Opium Traffic, Res. \*571  
Merchant Shipping Acts Amendment, Comm. 1866  
Poor Removal, 2R. Amendt. 1773

STORER, Mr. G., *Nottinghamshire, S.*  
Agricultural Holdings (England), Comm. cl. 5, 1762; Amendt. 1854; cl. 6, Amendt. 1922, 1923; Amendt. 1924

STRATHNAIRN, Lord  
Army—First Class Army Reserve, Res. 1573  
Army—First Commissions in the, Res. 1877, 1890  
Army (India)—Competitive Examinations, Motion for an Address, 247

#### *Sugar Duties*

*Bounty on Refined Sugar*, Question, Observations, Lord Hampton; Reply, The Earl of Derby July 22, 1801  
*International Convention*, 1864, Question, Mr. Wait; Answer, Mr. Bourke July 16, 1877

SULLIVAN, Mr. A. M., *Louth Co.*  
Conspiracy, and Protection of Property, Consid. cl. 13, 1760  
County Boards (Ireland), 2R. 765  
Ireland—Miscellaneous Questions  
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Irish Manuscripts, Translation of, 1575  
Local Government Board—Mr. J. A. Browne, Case of, 436, 437, 438  
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Militia Laws Consolidation and Amendment, Comm. cl. 36, 1726  
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Science and Art Department (Dublin), Res. 1396, 1411  
Summary Prosecutions Appeals (Scotland), Comm. 287  
Supply—Criminal Prosecutions, &c. Ireland, 1529  
Friendly Societies, Registrars of, 626  
Science and Art Department, 855  
Wales, Prince of—H.R.H.'s Visit to India, Motion for reporting Progress, 1522

Summary Prosecutions Appeals (Scotland) Bill (*The Lord Advocate, Mr. Secretary Cross, Sir Henry Selwin-Ibbetson*)

c. Committee (on re-comm.)—R.F. June 21, 287 [Bill 191]

Committee—R.F. June 22, 316  
Committee; Report June 28, 704  
Considered July 1

Read 3<sup>o</sup> July 2

l. Read 1<sup>st</sup> (*The Lord Steward*) July 5 (No. 191)

#### *Sunday Act (21 Geo. III.)*

*Opening of Places of Amusement on Sunday*, Question, Sir George Bowyer; Answer, Mr. Assheton Cross June 24, 439  
*The Brighton Aquarium, &c.*, Question, Mr. P. A. Taylor; Answer, Mr. Assheton Cross July 22, 1809

#### SUPPLY

Order for Committee read; Moved, "That Mr. Speaker do now leave the Chair" June 24, 527

Moved, "That the Debate be now adjourned" (*Mr. Meldin*); after short debate, Question put; A. 68, N. 118; M. 60

Original Question again proposed; Moved, "That this House do now adjourn" (*Mr. Macgregor*); Motion withdrawn; Original Motion withdrawn

Considered in Committee June 25, 623—CIVIL SERVICES AND REVENUE DEPARTMENTS—VOTES ON ACCOUNT—CIVIL SERVICE ESTIMATES—CLASS II—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS, 624—Resolutions reported June 28

Considered in Committee June 29, 743—CIVIL SERVICE ESTIMATES—CLASS II—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS—Votes 25 to 27—Resolutions reported June 30

Considered in Committee July 1, 821—CIVIL SERVICE ESTIMATES—CLASS IV.—EDUCATION, SCIENCE, AND ART—Votes 1 to 9—Resolutions reported July 2

Considered in Committee July 2, 920—CIVIL SERVICE ESTIMATES—CLASS II.—SALARIES AND EXPENSES OF PUBLIC DEPARTMENTS—Votes 28 to 42—Resolutions reported July 3